

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS FOR FISCAL YEAR 1970

*see FOCUS - Dec. 1968
Vol. 2, No. 3*

*for description of
programs*

HEARINGS

BEFORE THE

*FOCUS - March 1969
Vol. 2, No. 6*

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST SESSION

ON

H.R. 13111

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENTS
OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND
RELATED AGENCIES, FOR THE FISCAL YEAR ENDING JUNE 30,
1970, AND FOR OTHER PURPOSES

Printed for the use of the Committee on Appropriations



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WASHINGTON : 1969

A reprint of the Section pertaining to the amendment to provide an endowment in lieu of a land grant to the Federal City College of the District of Columbia, and containing the justification upon which final Congressional action was based.

HEARINGS
BEFORE THE
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
NINETY-FIRST CONGRESS
FIRST SESSION
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS

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Printed for the use of the Committee on Appropriations

(II)



BUDGET AMENDMENT

Senator BIBLE. Then the House acted—increased your request on higher education to include \$7.2 million for a Federal City College. Your appeal letter and your justification reflect this adjusted increase. The Congress has not yet received the official budget amendment from the Bureau of the Budget or the administration. Can you get me clear on that? You are here testifying to that. We don't have any budget amendment.

Mr. CARDWELL. Our request is in the form of the Secretary's letter—was approved by the Bureau of the Budget. We have advised them the committee would prefer a Presidential—

Senator BIBLE. Not only prefer but we will require. Will that be forthcoming?

Mr. CARDWELL. I hope it will be and we will keep you posted.

Note: The Budget amendment, substituted November 14th, appears as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., November 14, 1969.

The PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration amendments to the requests for appropriations transmitted in the budget for the fiscal year 1970 in the amount of \$23,163,000 in budget authority and \$26,927,000 in a proposal not increasing budget authority.

OFFICE OF EDUCATION

Budget appendix page	Heading	Request pending	Proposed amendment	Revised request
430	Higher education[al activities] ----- (At the end of the paragraph under this heading, insert the following): ; Provided, That \$7,241,000 shall be for payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (82 Statute 241)	\$780,839,000	\$7,241,000	\$788,080,000

This amendment would provide an endowment in lieu of a land grant to the Federal City College of the District of Columbia. The amount was authorized by Public Law 90-354 which made the school a college of agriculture and the mechanic arts. This amendment is in addition to that transmitted to the Congress on May 5, 1969, House Document No. 91-113.

Senator BIBLE. The Senate put this in the supplemental, the amount for the Federal City College?

Mr. CARDWELL. No; the Senate dropped it. It was in the House bill and the Senate dropped it. In the supplemental for 1969.

Senator BIBLE. You lost it in the supplemental?

Mr. CARDWELL. Yes, sir.

STATEMENT AND BIOGRAPHICAL SKETCH OF DR. RANDOLPH

Senator BIBLE. You have testified to your need, Doctor, and this is in lieu of payment of land that would normally go to a land-grant college and this is set out in the act, for what purposes would this be used. Maybe Dr. Randolph would want to say something about it. If you have a prepared statement, it will be placed in the record.

(The statement and biographical sketch follow:)

Name : Harland L. Randolph.

Position : President of Federal City College.

Birth place and date : Columbus, Ohio, February 18, 1929.

Education : Academic Degree and Post Doctoral Studies, Ph. D. Ohio State, 1968.

Experience :

Present : President, Federal City College.

7/69-10/69 : Chairman, Committee on Administration and Planning (that ran the Federal City College since the resignation of its first president in May of 1969).

1968-69 : Vice-President for Planning, Development, Federal City College.

1967-1968 : Executive Assistant to the President, Federal City College.

1966-1967 : Deputy Director, Office of Equal Health Opportunity, Public Health Service, DHEW.

1965-1966 : Assistant to Vice-President and General Manager of the Training Corporation of America, Westinghouse Airbrake Corporation.

1963-1965 : President of an advertising and market research firm in Chicago and for six months conducted a late television interview program there.

During 1964-1965, coordinated the Communications Skills Division of the Seven Illinois Universities Urban Job Corps Center for Men.

1960-1963 : Director of Communications and Program Development for the Board of Fundamental Education.

1953-1963 : Instructor in Public Address at Ohio State University.

1956-1958 : Served in the U.S. Army.

Publications :

Authorized *Technical Objectives and Plans*, a three-volume work for the operation of Training Corporation of America's Job Corps Center, 1966.

Authorized *Leadership Development*, a text and handbook for Kappa Alpha Psi Fraternity, 1960.

IN SUPPORT OF THE FEDERAL CITY COLLEGE ENDOWMENT

1. GENERAL

The purpose of this document is to present general information in support of the \$7.2 million land grant endowment fund, Federal City College.

2. AUTHORIZING LEGISLATION

2-1. The establishment in the District of Columbia of a public college of Arts and Sciences (Federal City College) was authorized by (PL 89-791) 89th Congress, November 7, 1966, 80 Stat. 1462.

2-2. An Act to amend the District of Columbia Public Education Act to make Federal City College a land grant institution was signed by President Johnson on June 20, 1968, (PL 90-354), 90th Congress, 82 Stat. 241.

2-3. Under (b) Section I, there is authorized to be appropriated to the District of Columbia \$7,241,706 pursuant to the provisions of the Morrill Act of 1862, to establish a land grant endowment fund, at Federal City College, the interest of which is to be used for land grant activities within the District of Columbia.

3. PROGRAM OUTREACH

In the short time since it was founded, the Federal City College has assumed a permanent role and gained national recognition in the various multifaceted, innovative urban community outreach programs embracing such broad areas as social science action and research activities, family life education, including nutrition education, child care and personal development, and consumer protection.

3-1. The regular Academic Program

3-1-1. During its first year of existence only 2,000 could be admitted to the regular program of the college from 9,000 requests for admission. For the current academic year only 4,000 full-time students from more than 10,000 applicants could be admitted.

3-1-2. The college, during its second year will offer 26 undergraduate and 2 graduate degree granting programs. More than 60% of the college's instruc-

tional staff have their doctorate degree and a significant number of the remaining members of the faculty are completing their doctorate. The college is committed to academic excellence, urban problem solving and community service.

3-2. The Land Grant Activities

The college has within a year shown achievement greater than most new land grant colleges in the first decade of existence in terms of the implementation of its land grant mission. The following is a statistical summary of the first year's activities:

3-2-1. Four thousand (4,000) persons participated in 4-H Clubs, teen centers, and youth development activities.

3-2-2. Seven thousand (7,000) persons in 1,000 families were serviced by staff in the expanded nutrition program.

3-2-3. Thirty (30) paraprofessionals were recruited from low income areas and trained as nutrition aides for work in the expanded nutrition program.

3-2-4. One thousand (1,000) housewives and solo heads of households participated in a consumer education program in cooperation with local supermarkets.

3-2-5. A full freshman curriculum was instituted at the District of Columbia Lorton Correctional Institute.

3-2-6. Community educators assisted thirty (30) neighborhood and community groups in a variety of self-help and cooperative neighborhood and community development and planning programs and projects.

3-2-7. Three hundred (300) adults participated in 27 credit and non-credit courses offered by the General Extension Department.

3-2-8. Seventy six (76) persons matriculated in the Master of Arts in Urban Education program.

3-3. Projected Expanded Outreach Resulting from use of Interest From Land Grant Funds

3-3-1. Expand youth development programs by providing special programs or enrichment activities and services to an additional 12,000 out-of-school youth.

3-3-2. Provide instructional, counseling and enrichment services to 10,000 persons.

3-3-3. The funds will be used for expansion of existing programs and for the development of new programs to help residents solve urban problems.

4. COORDINATION—ALL PROGRAMS

4-1. Programs funded from Land Grant Endowment

All programs funded by interest from the land grant endowment will be based on long-range and short-range plans of work developed by the Division of Community Education, in cooperation with other divisions of the Federal City College, agencies of the District of Columbia Government, and the U.S. Office of Education.

4-2. Cooperative Extension Service Programs

All Cooperative Extension Service activities are based on a plan of work developed by the Division of Community Education, Federal City College and approved by the Administrator, Federal Extension Service.

4-3. Program funded from Bankhead-Jones and Morrill-Nelson Acts

Programs funded by these acts are based on a general plan of work developed by the Division of Community Education and coordinated with the U.S. Office of Education.

4-4. Other Programs

Other programs are developed by the Division of Community Education and coordinated with the specific funding agency.

5. PROGRAM DIVERSITY

5-1. Bankhead-Jones and Morrill Nelson Funds

5-1-1. These funds will be used to support the Community Resources Development function, thus augmenting and expanding the outreach activities.

5-1-2. Funds were used to support manpower development and social welfare services programs.

5-1-3. Effective 1 July 1970, these funds will be used to support the Center for Community Resources Development, an umbrella administrative area of the Division. The Center will also receive partial support from Smith-Lever funds and interest from the land grant endowment.

5-1-4. Program areas and personnel allocations for FY 1970 are as indicated below in accordance with the Staff Manpower schedule:

- Legal Services
- Creative Arts
- Economic Development
- Manpower Development
- Social and Welfare Services
- General Extension
- Conferences and Institutes

5-1-5. Program Descriptions:

5-1-5-1. Legal Services: The Community Educator assigned to legal services staff will be responsible for assisting community and neighborhood organizations in such areas as tenant rights, consumer protection, police-community relations projects, and program development in related legal areas. In addition to his community related functions, he will serve concurrently as assistant to the Dean and Assistant to the Director, Community Resources Development for Legal Services, with responsibility for providing across the board legal services to all community education programs.

5-1-5-2. Creative Arts: This program component has responsibility for directing the Division's outreach activities in the creative arts (music, art, dance, photography, drama and crafts). Initial concentration will be in the following order of priorities: Music, art crafts, and photography.

5-1-5-3. Economic Development: This program component has responsibility for carrying out the Division's technical assistance commitment for helping small businesses and assisting potential entrepreneurs in the organization of profit and non-profit groups. It is anticipated that cooperative linkages will be formed with area groups, and several action-research and service projects will be developed.

5-1-5-4. Manpower Development: This program component has responsibility for coordinating all of the Division's outreach activities in manpower resource development. Program interests include job training programs, new careers programs, related degree programs (Associate of Arts and Bachelors), job placement, and related action-research and service projects.

5-1-5-5. Social Welfare Services: This program component has responsibility for the Division's social and welfare activities for special audiences.

Volunteer Programs.—The Community Educator in charge of volunteer programs has responsibility for coordinating the Division's work-study program, plus the development of a viable community volunteer services program. This office will also be responsible for developing the celebrity volunteer program in the District.

The Aged.—The Community Educator in charge of programs for the aged has responsibility for coordinating all Division outreach for the aged, including special programs and linkages.

Drug Abuse Education.—The Community Educator detailed to the drug abuse project has program development and monitoring responsibility to the Division on drug abuse education and information.

Conferences and Institutes.—The Community Educator assigned to conferences and institutes has responsibility to the Division for organizing and coordinating institutes in special areas of interest to residents of the District of Columbia and to special groups.

5-2. *The General Extension program has responsibility for the organization of credit and noncredit courses, conferences, and institutes*

5-2-1. The outreach plan requires the establishment of satellite extension education and service centers throughout the District. These satellite extension centers would be open each night and during the afternoon. They would provide a variety of programs and services, utilizing the full resources of the college.

5-2-2. This program component also has responsibility for establishing a variety of special action-research extension projects. Some current projects are the:

- 5-2-2-1. Lorton Project
- 5-2-2-2. Manpower Project
- 5-2-2-3. Arbitration-Mediation Project

5-2-3. General Extension courses are also offered in the evening in some of the regular college facilities.

5-3. *Cooperative Extension Services (Smith-Lever)*

5-3-1. Actual programs will be in accordance with the yearly approved State Plan of Work.

5-3-2. Staffing each year will be in accordance with the manning table developed to implement the approved State Plan of Work.

PROJECTED PROGRAM ACTIVATION, BY YEAR, WITH PERCENTAGE ALLOCATION OF TOTAL FUNDS

Project code area

	I	II	III	IV	V	VI	VII
Fiscal year:							
1969-----	10	-----	-----	-----	40	50	-----
1970-----	10	5	-----	5	40	30	10
1971-----	10	10	-----	10	30	20	20

Note: Project code (standard USDA):

- I: Administration and organization.
- II: Extension information.
- III: Agricultural projection, management, and natural resource use.
- IV: Extension marketing and utilization services.
- V: Extension home economics.
- VI: Extension 4-H and youth development.
- VII: Extension community resources development.

5-4. Continuing Education

Current continuing programs include the following:

- 5-4-1. Graduate program, adult education.
- 5-4-2. Undergraduate programs in community education (AA and BA).
- 5-4-3. Curriculum Development.
- 5-4-4. GED Preparation.
- 5-4-5. Special Programs.

The degree programs (5-4-1 and 5-4-2) satisfy the continuing and special education requirements of the land grant commitment. The undergraduate degree provides for an Associate of Arts as well as the bachelors. Students will be able to satisfy major and minor concentrations in a wide range of human services and technical areas.

5-5. Urban Corps Project

The Urban Corps project is a joint Federal City College-Catholic University project under contract with the District of Columbia Public Schools.

6. NEED FOR THE LAND GRANT ENDOWMENT

Interest from the land grant endowment, estimated at \$360,000 annually, will be used to expand community resources development activities, to support technical education and related programs, and to absorb some of the successful innovative urban oriented programs currently operating on grant funds.

6-1. Without the projected income from the land grant endowment, the following proposed programs may not be carried out

6-1-1. Community Development:

- 6-1-1-2. Establishment of community and neighborhood satellite centers.
- 6-1-1-1. Technical assistance program to neighborhood entrepreneurs in low income areas.

- 6-1-1-3. Housing assistance development for organizations in low income areas.

6-1-2. Family life and Human Development for special Population:

- 6-1-2-1. Programs for the Aged.
- 6-1-2-2. Programs for the physically handicapped.
- 6-1-2-3. Drug Abuse Education Information Programs.
- 6-1-2-4. Programs for non-English speaking persons.
- 6-1-2-5. Citizens Tobacco Information Programs.
- 6-1-2-6. Citizens Alcohol Information Programs.

6-1-3. Cooperative technical education programs.

6-1-4. Adult and Continuing Education Programs (new program).

- 6-1-4-1. Basic Job Oriented Education Programs.
- 6-1-4-2. Health and Safety Education.

6-1-5. Citizen Information Program.

6-1-6. Cooperative Neighborhood Employment Readiness Program.

6-1-7. Special Staff Development Programs.

6-1-8. Community Oriented Mass Media Communication Efforts.

6-2. *Without the projected income from the land grant endowments, the following on-going programs will be significantly reduced*

6-2-1. Youth Development:

6-2-1-1. Reduction in number of proposed youth satellite centers and organizational efforts for neighborhood clubs for out-of-school older youth.

6-2-1-2. Reduction of leadership training efforts for volunteers.

6-2-2. Community Development: Reduction of planned expansion of present cooperative extension community development efforts based on anticipated fund supplement by land grant funds.

6-2-3. Nutrition education: Reduction in nutrition education programs.

Note: Current legislation does not provide for District of Columbia participation in the \$30,000,000 special nutrition program, U.S. Department of Agriculture.

6-2-4. General Community Outreach:

6-2-4-1. Indigenous Leadership Training Program.

6-2-4-2. Reduction in number of informal and conversational "issue" group meetings.

6-2-4-3. Employment of neighborhood and community aides.

6-2-4-4. Cooperative community programs with the District Government.

7. May we urge immediate consideration to the implementation of the authorization contained in Public Law 90-354, so that the \$7,241,700 may be appropriated as soon as possible and so the Federal City College may have the use of the income from these funds during this academic year (FY 1970).

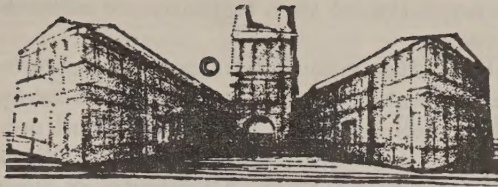
USE OF ENDOWMENT INCOME

Dr. RANDOLPH. This money will be invested and we will use the money for programs in our community education division. We are presently serving approximately 16,500 people in terms of direct services out of a combination of gifts, grants, and fees. The additional \$360,000 which will be generated on the \$7.2 million will be used to expand these programs and also to initiate several new programs for the people of the District of Columbia.

Dr. VALIEN. One thing used in the Federal City College, which usually is not thought of is the 4-H programs. About 4,000 District of Columbia youth are involved in clubs that help them to help themselves. They have used materials developed by the National 4-H Office adapted to urban setting and established a family center in Northeast. There are more than 7,000 families reached by the Federal City College health and nutrition education program.

Senator BIBLE. I am familiar in general with these programs and I am a particular admirer of the 4-H club. I think they have done a fine job in Nevada. I know one does not ordinarily think of their use here in the Nation's Capital, but I don't know why they could not be used.

There is a precedent for a grant in lieu of a land grant and I believe that was in the case when Hawaii became a State. We will have the staff check it out. Obviously they can't make you a land grant because of the area in the Nation's Capital, but I think the Federal Government should keep its commitment.



FREEDOM OF INFORMATION CENTER REPORT NO. 202

STATE ACCESS STATUTES

Alabama: Meetings

TITLE 14: CRIMES AND OFFENSES

CHAPTER 70: PUBLIC MEETINGS

Section 393. — *Executive or secret sessions of certain boards forbidden.* No executive or secret session shall be held by any of the following named boards, commissions or courts of Alabama, namely: The Alabama public service commission, school commissions of Alabama, board of adjustment, state or county tax commissions, any court of county commissioners or board of revenue, any city commission or municipal council, or any other body, board or commission in the state charged with the duty of disbursing any funds belonging to the state, county, or municipality, or board, body or commission to which is delegated any legislative or judicial function; except that executive or secret sessions may be held by any of the above named boards or commissions when the character or good name of a woman or man is involved. (1915)

Section 394. — *Penalty for violation.* Any person or persons violating any of the provisions of section 393 of this title shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than five hundred dollars. Any person who remains in attendance upon any meeting of any of the above named boards or bodies which is being held in secret or executive session shall be deemed guilty of violating the provisions of this chapter. (1915)

Alabama: Records

TITLE 41: OFFICES AND OFFICERS

CHAPTER 3: PROPERTY, RECORDS, ETC.

ARTICLE 2: RIGHT TO INSPECT AND COPY RECORDS

Section 145. — *Every citizen entitled to inspect and copy public records.* Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute. (1923)

Section 146. — *Refusal of public officer to permit examination of records.* Any public officer, having charge of any book or record, who shall refuse to allow any person to examine such record free of charge, must, on conviction, be fined not less than fifty dollars. (1852 as amended 1886)*

Section 147. — *Public officers bound to give copies.* Every public officer having the custody of a public writing, which a citizen has a right to inspect, is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor, and such copy is admissible as evidence in like cases and with like effect as the original writing. (1923)

TITLE 55: STATE

CHAPTER 7: DEPARTMENT OF ARCHIVES AND HISTORY

Additional copies: \$1.00 each.

ARTICLE 6: PUBLIC RECORDS

Section 289. — *Public records defined.* Public records comprise all written, typed, or printed books, papers, letters, documents and maps made or received in pursuance of law by the public officers of the state, counties, municipalities, and other subdivisions of government in the transactions of public business, and include also any record authorized to be made by any law, or any paper, pleading, exhibit, or other writing, filed with, in or by any such court, office or officer. (1945)

Alaska: Meetings

TITLE 2A: EXECUTIVE

PART II: ADMINISTRATIVE PROCEDURE

CHAPTER II: RULES AND REGULATIONS

ARTICLE VI: AGENCY MEETING PUBLIC

Section 91. — *Agency meetings public.* All meetings of governing bodies of all State and local government agencies, including municipalities, boroughs, school boards and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations (advisory or otherwise) of the State or local government, supported in whole or in part by public funds or entrusted with the expending of public funds, except juries and such other agencies as shall be expressly exempt by the Legislature, shall be public meetings, but the public may be excluded only from such portions thereof as deal with matters, the immediate knowledge of which would deleteriously affect the finances of the government unit, or that deal with subjects that tend to prejudice the reputation and character of persons. When meetings are held at which such excepted subjects are to be discussed, the meeting must first be convened as a public meeting, and the question of holding an executive session to discuss matters that come within the two exceptions shall be determined by a majority vote of the agency, and no subjects can be considered at such executive session except those as are mentioned in the motion calling for the executive session, and no action shall be taken at said executive session. (1959)

Alaska: Records

TITLE 58: EVIDENCE

CHAPTER 1: WRITINGS

ARTICLES 1: PUBLIC WRITINGS

Section 1. — *What constitutes public record.* Except where otherwise specified or declared, the books, records, papers, files, accounts, writings and transactions of every officer, board or institution in this State are public records and subject to such reasonable rules as the officer in charge may prescribe, and shall be open to inspection.

tion by the public during all the time the respective offices shall be open for business. Any information in the possession of the Tax Commissioner which discloses the particulars of the business or affairs of a taxpayer or other person, is not a matter of public record, except for purposes of law enforcement and the investigation by any person of law compliance, and shall be kept confidential except when production thereof is required in an official investigation or court proceeding; provided, that nothing herein shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports and items thereof, or of the publication of delinquent lists showing the names of taxpayers who have failed to pay their taxes at the time and in the manner provided by law, together with any relevant information which may assist in the collection of such delinquent taxes. (1931)

Section 2. — *Right to inspection and certified copy; Right to make copies of public records.* Every person has a right to inspect any public writing or record in said Territory, including public writings and records in recorders' offices except: (1) the records of vital statistics and adoption proceedings which shall be treated in the manner required by Section 21, Chapter 119, Session Laws of Alaska of 1949, (2) records pertaining to juveniles, (3) medical and related public health records, (4) records required to be kept confidential by any Federal law or regulation or by Territorial law. Every public officer having the custody of records not included in the exceptions is bound to permit such inspection, and to give on demand and on payment of the legal fees therefor a certified copy of such writing or record, and such copy shall in all cases be evidence of the original. Recordors shall permit memoranda, transcripts, and copies of such public writings and records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described therein, making abstracts of title or guaranteeing or insuring the titles thereof, or building and maintaining title and abstract plants, and shall furnish proper and reasonable facilities therefor to persons having lawful occasion for access thereto for such purposes, subject to such reasonable rules and regulations, in conformity to the direction of the court, as shall be necessary for the protection of such writings and records and to prevent interference with the regular discharge of the duties of such recordors and their employees. (1913 as amended 1955)

Arizona: Meetings

TITLE 38: PUBLIC OFFICERS AND EMPLOYEES CHAPTER 3: CONDUCT OF OFFICE ARTICLE 3.1: PUBLIC MEETING AND PROCEEDINGS

Section 38-431. — *Definitions.* In this article, unless the context otherwise requires:

(1) "Governing bodies" means the governing bodies of the state, or political subdivisions thereof, which are supported in whole or in part by tax revenues or which expend tax revenues.

(2) "Proceedings" means the transaction of any functions affecting citizens of this state by an administrative or legislative body of the state or of any of its counties or municipalities or other political subdivisions when such a body is composed of three or more members and is charged with the transaction of such functions under any statute or

under any rule or regulation of such legislative or administrative body or agency.

Section 38-431.01. — *Meetings shall be open to the public.* All official meetings at which any legal action is taken by governing bodies shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All minutes of such meetings as are required by law shall be properly and accurately recorded and open to public inspection except as otherwise specifically provided by statute.

Section 38-431.02. — *Nonapplicability to executive sessions.*

(A) Nothing contained in this article shall be construed to prevent such bodies or agencies from holding executive sessions, subject to the following conditions:

(1) That such sessions shall not be used to defeat the purposes of the provisions of this article.

(2) That no ordinance, order, rule, resolution, regulation, contract, appointment or other official action shall be finally approved at such executive sessions.

(3) That such executive sessions may be called only by a majority vote of the members of such bodies or agencies.

(B) The conditions of subsection (A) shall not apply to:

(1) Executive sessions of the state senate or any of the committees or subcommittees of the state legislature.

(2) Governing bodies considering information regarding employment or dismissal of an employee.

(3) Governing bodies whose executive sessions are required by federal regulations.

Section 38-431.03. — *Writ of mandamus.* Where the provisions of this article are not complied with, a court of competent jurisdiction may issue a writ of mandamus requiring that a meeting be open to the public.

Section 38-431.04. — *Meeting held in violation of article; business transacted null and void.* All business transacted in any body during a meeting or public proceedings held in violation of the provisions of this article shall be null and void.

Section 38-431.05. — *Noneffectiveness of right to appeal.* Nothing contained in this article shall be construed as abridging the right of any citizen to appeal to a court of this state for the enforcement of the rights provided for in this article.

Section 38-431.06. — *Penalties.* Any person violating any of the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars, by imprisonment in the county jail for not more than thirty days, or both. (1962)

Arizona: Records

TITLE 39: PUBLIC RECORDS, PRINTING AND NOTICES CHAPTER 1: PUBLIC RECORDS ARTICLE 2: SEARCHES AND NOTICES

Section 39-121. — *Inspection of public records.* Public records and other matters in the office of any officer at all times during office hours shall be open to inspection by any person. (1901)

Arkansas: Meetings and Records

ACT NO. 93 OF 1967: *An Act requiring all meetings of the governing bodies of municipalities, counties, townships, school districts and all other boards, bureaus, commissions or organizations supported wholly or in part by public funds and open to any citizen of the state of Arkansas; and all records of the governing bodies of municipalities,*

counties, townships and school districts and all other boards, bureaus, commissions or organizations, supported wholly or in part by public funds, or expending public funds, shall be public and open to personal inspection by any citizen of the state of Arkansas.

✓ Section 1. — This Act shall be known and cited as the "Freedom of Information Act" of 1967.

Section 2. — *Declaration of public policy.* It is vital in a democratic society that public business be performed in an open and public manner so that the electors shall be advised of the performance of public officials and of the decisions that are reached in public activity and in making public policy. Toward this end, this act is adopted, making it possible for them, or their representatives, to learn and to report fully the activities of their public officials.

Section 3. — *Definitions.* "Public records" are records made, maintained or kept by any public or governmental body, board, bureau, commission or agency of the State or any political subdivision of the State, or organization, corporation or agency, supported in whole or in part by public funds, or expending public funds.

"Public meetings" are the meetings of any bureau, commission or agency of the state, or any political subdivision of the state, including municipalities and counties, Boards of Education, and all other boards, bureaus, commissions or organizations in the State of Arkansas, except Grand Juries, supported wholly or in part by public funds, or expending public funds.

Section 4. — *Examination and copying of public records.* Except as otherwise specifically provided by laws now in effect, or laws thereafter specifically enacted to provide otherwise, all state, county, township, municipal and school district records which by law are required to be kept and maintained shall be open to inspection and copying by any citizen of the State of Arkansas during the regular business hours of the custodian of the records. It is the specific intent of this Section that records such as state income tax returns, medical records, scholastic records, adoption records and other similar records which by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this Act.

Reasonable access to these records and reasonable comforts and facilities for the full exercise of the right to inspect and copy such records shall not be denied to any citizen.

If the record is in active use or in storage and, therefore, not available, at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within three days at which time the record will be available for the exercise of the right given by this act.

Section 5. — *Open public meetings.* Except as otherwise specifically provided by law, all meetings formal or informal, special or regular, of the governing bodies of all municipalities, counties, townships, and School Districts, and all boards, bureaus, commissions, or organizations of the State of Arkansas, except Grand Juries, supported wholly or in part by public funds, or expending public funds, shall be public meetings.

The time and place of each regular meeting shall be furnished to anyone who requests the information.

In the event of emergency, or special, meetings the person calling such a meeting shall notify the representatives of the newspapers, radio stations and television stations, if any, located in the county in which the meeting is to be held and which have requested to be so notified of such emergency or special meetings of the time, place

and date at least two hours before such a meeting, takes place in order that the public shall have representatives at the meeting.

Executive sessions will be permitted only for the purpose of discussing or considering employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee.

Executive sessions must never be called for the purpose of defeating the reason or the spirit of the Freedom of Information Act.

No resolution, ordinance, rule, contract, regulation or motion considered or arrived at in executive session will be legal unless following the executive session, the public body reconvenes in public session and presents and votes on such resolution, ordinance, rule, contract, regulation, or motion.

Section 6. — *Enforcement.* Any citizen denied the rights granted to him by this Act may appeal immediately from such denial to the Pulaski County Circuit Court or to the Circuit Court of the residence of the aggrieved party, if an agency of the State is involved, or to any of the Circuit Courts of the appropriate judicial districts when an agency of a county, municipality, township or school district, or a private organization supported by or expending public funds is involved. Upon written application of the person denied the rights provided for in this Act, or any interested party, it shall be mandatory upon the Circuit Court having jurisdiction, to fix and assess a day the petition is to be heard within seven days of the date of the application of the petitioner, and to hear and determine the case. Those who refuse to comply with the orders of the court shall be found guilty of contempt of court.

Section 7. — *Penalty.* Any person who wilfully and knowingly violates any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$200, or 30 days in jail, or both.

Section 8. — All laws and parts of laws in conflict herewith are hereby repealed.

Section 9. — If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 10. — It is hereby found and determined by the General Assembly that the proper functioning of a democratic society is dependent upon the public being informed at all times with respect to the operations of government, and public officials shall at all times be held accountable for their public actions and conduct; that this State does not now have a law requiring that all public records be open to the public, except in those instances where otherwise specifically provided by law; that many agencies are now holding executive or closed sessions which is contrary to the spirit of the public business being transacted in open public meetings, and that the immediate passage of this Act is necessary to correct said situations and to secure to the public their proper right of access to public records and meetings of public agencies, boards and commissions. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval. (1967)

California: Meetings

GOVERNMENT CODE

PART 1

TITLE 2

CHAPTER 1

ARTICLE 9

Section 11120. — It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberations be conducted openly.

Section 11121. — As used in this article "state agency" means every state board, or commission, or similar multi-member body of the state which is required by law to conduct official meetings, but does not include state agencies provided for in Article VI of the California Constitution nor districts or other local agencies whose meetings are required to be open to the public pursuant to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of this code.

Section 11122. — As used in this article "action taken" means a collective decision made by the members of a state agency, a collective commitment or promise by the members of the state agency to make a positive or negative decision or an actual vote by the members of a state agency when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.

Section 11123. — All meetings of a state agency shall be open and public and all persons shall be permitted to attend any meeting of a state agency except as otherwise provided in this article.

Section 11124. — A member of the public shall not be required, as a condition to attendance at a meeting of a state agency, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance.

Section 11125. — The state agency shall provide notice of its meeting to any person who requests such notice in writing. Notice shall be given at least 24 hours in advance of the meeting, provided that emergency meetings may be held with less than twenty-four (24) hours' notice when such meetings are necessary to discuss unforeseen emergency conditions, such as a natural disaster, as defined by published rule of the agency adopted pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of this code.

Section 11126. — Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any

disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses, or professions from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Section 11127. — The provisions of this article shall apply to every state agency unless the agency is specifically excepted by law.

Section 11128. — All executive sessions of a state agency shall be held only during a regular or special meeting of the agency.

Section 11129. — Any hearing being held, or noticed or ordered to be held by a state agency at any meeting may by order or notice of continuance be continued or recon- tinued to any subsequent meeting of the state agency. A copy of the order or notice of continuance shall be conspicuously posted on or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

Section 11130. — Any interested person may commence an action either by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this article by members of the state agency.

GOVERNMENT CODE

TITLE 5: LOCAL AGENCIES

DIVISION 2: CITIES, COUNTIES AND OTHERS AGENCIES

PART 1: POWERS AND DUTIES COMMON TO CITIES, COUNTIES AND OTHER AGENCIES

CHAPTER 9: MEETINGS

Section 54950. — Declaration, intent; sovereignty. In

enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of the State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. (1953)

Section 54950.5. — *Short title.* This chapter shall be known as the Ralph M. Brown Act. (1961)

Section 54951. — *Local agency, definition.* As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency. (1953 as amended 1959)

Section 54952. — *Legislative body; definition.* As used in this chapter, "legislative body" means the governing board, commission, directors or body of a local agency, or any board or commission thereof, and shall include any board, commission, committee, or other body on which officers of a local agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation. (1953 as amended 1961)

Section 54952.5. — *Legislative body as including permanent boards or commissions of local agencies.* As used in this chapter "legislative body" also includes, but is not limited to, planning commissions, library boards, recreation commissions, and other permanent boards or commissions of a local agency. (1961)

Section 54952.6. — *Action taken, definition.* As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance. (1961)

Section 54953. — *Meetings to be open and public: attendance.* All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter. (1953)

Section 54953.3. — *Conditions to attendance.* A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance. (1957)

Section 54954. — *Time and place of regular meetings; holidays; emergencies.* The legislative body of a local agency shall provide, by ordinance, resolution, by-laws, or by whatever other rule is required for the conduct of business by that body, the time for holding regular meetings. Unless otherwise provided in the act under which the local agency was formed, meetings of the legislative body need not be held within the boundaries of the territory over which the local agency exercises jur-

isdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the legislative body. (1953)

Section 54955. — *Adjournment; adjourned meetings.* The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, by-law, or other rule. (1953 as amended 1955 and 1959)

Section 54955.1. — *Continuance.* Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made. (1965)

Section 54956. — *Special meetings; call; notice.* A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering personally or by mail written notice to each member of the legislative body and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the legislative body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member

who is actually present at the meeting at the time it convenes. (1953 as amended 1955)

Section 54957. — *Executive sessions; exclusion of witnesses.* Nothing in this chapter shall be construed to prevent the legislative body of a local agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The legislative body also may exclude from any public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body. Nothing in this chapter shall be construed to prevent any board, commission, committee, or other body organized and operated by any private organization as defined in Section 54952 from holding executive sessions to consider (a) matters affecting the national security, or (b) the appointment, employment or dismissal of an officer or employee or to hear complaints or charges brought against such officer or employee by another officer, person, or employee unless such officer or employee requests a public hearing. Said body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body. (1953 as amended 1957, 1959, and 1961)

Section 54958. — *Application of chapter.* The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law. (1953)

Section 54959. — *Penalty for unlawful meeting.* Each member of a legislative body who attends a meeting of such legislative body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor. (1961)

Section 54960. — *Mandamus or injunction.* Any interested person may commence an action either by mandamus or injunction for the purpose of stopping and preventing violations or threatened violations of this chapter by members of the legislative body of a local agency. (1961)

California: Records

(California's statutory law reflects the common law development of a right of inspection where a record was sought for use as evidence or information in pending litigation. As a result of this background the specific public records provisions, enacted in 1872, are found in the code of civil procedure relating to the admissibility of evidence in judicial proceedings. The principal statutes are Section 1888 and 1894 C.C.P. which provide as follows:)

CIVIL PROCEDURE CODE

PART 4: OF EVIDENCE

TITLE 2: OF THE KINDS AND DEGREES OF EVIDENCE

CHAPTER 3: WRITINGS

ARTICLE 2: PUBLIC WRITINGS

Section 1888. — *Public writings defined.* Public writings are: (1) The written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this State, of the United States, or a sister

State, or of a foreign country. (2) Public records, kept in this state, of private writings. (1872)

Section 1894. — Public writings are divided into four classes: (1) Laws; (2) Judicial records; (3) Other official documents; (4) Public records, kept in this state, of private writings.

(While these statutes might appear to be broad in their application, the courts have tended to be restrictive in their interpretation. For example, the above sections have been construed in the leading case of *Mushet v. Department of Public Service* (1917), 35 Cal. App. 630, as exclusionary. In determining whether a document in question is a public record a process of elimination must be applied. It must be either a "law," a "judicial record" or a "public record . . . of private writings" and this latter category has been construed to apply only to documents filed or recorded in public offices by virtue of recording or other laws. This leaves remaining "official bodies or tribunals or public officers" and the *Mushet* case held that these sections must be construed together. In other words, it is not enough that they be written acts or records of acts or official documents — they must be both.)

Colorado: Meetings

CHAPTER 43: ADMINISTRATIVE CODE; PUBLIC MEETINGS

Section 1. — *Public meetings.* All meetings of any board, commission, committee, or authority of this state or a political subdivision of the state, created by law, and supported by law in its activities in whole or in part with public funds, are declared to be public meetings and open to the public at all times; provided such groups by majority consent of members present, may go into executive session for consideration of documents or testimony given in confidence, but shall not make final policy decisions nor shall any resolution, rule, ordinance, regulation or formal action or any action approving a contract or calling for the payment of money be adopted or approved at any session which is closed to the general public.

Section 2. — Any action taken contrary to the provisions of this act shall be null and void and without force or effect.

Section 3. — *Safety clause.* The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety. (1963)

Colorado: School Board Meetings

CHAPTER 123: SCHOOLS I — PUBLIC SCHOOL SYSTEM

ARTICLES 10: ADMINISTRATION OF DISTRICTS

Section 20. — *By-laws; meetings; vacancies; first-class districts.* . . . (2) Every school board shall make a by-law stating where the board meeting shall be held. Thereafter, all board meetings shall be held at the regular meeting place and all meetings and business transacted by the school board shall be open to the public and all interested parties shall have the right to be present; provided, upon the vote of a majority of the board members present, the board may go into executive session at which time such persons as the board may invite may be present during the executive session. No voting shall be done in executive session. (1957)

Connecticut: Records

TITLE 1: PROVISIONS OF GENERAL APPLICATION

CHAPTER 3: PUBLIC RECORDS AND MEETINGS

Section 1-19. — *Access to public records.* Except as otherwise provided by any federal or state statute or regulation, all records made, maintained or kept on file by any executive, administrative, legislative or judicial body, agency, commission or official of the state, or any political subdivision thereof, whether or not such records are required by any law or by any rule or regulation, shall be public records and every resident of the state shall have the right to inspect or copy such records at such reasonable time as may be determined by the custodian thereof.

Each such executive, administrative, legislative and judicial body, agency, commission or official shall keep and maintain all public records in his custody at his regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such body, agency, commission or official shall be kept in the office of the town clerk or the secretary of the state, as the case may be. Each such executive, administrative, legislative and judicial body, agency, commission or official shall make, keep and maintain a record of the proceedings of its meetings. Internal personnel rules and practices of any such body, agency, commission or official, trade secrets and commercial or financial information obtained from the public; inter-agency or intra-agency memoranda or letters dealing solely with matters of law or policy; personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy, and investigatory files compiled for law enforcement purposes, except to the extent available by law to a private citizen, shall not be deemed public records for the purposes of this section. (1957 as amended 1967)

Section 1-20. — *Refusal of access; appeal.* Notwithstanding the provisions of Section 1-19, the body, agency, commission or official who has custody or control of any such public record shall refuse permission to so inspect or copy such record or records if such inspection or copying would adversely affect the public security or the financial interests of the state or any of its political subdivisions or if such denial is necessary to provide reasonable protection to the reputation or character of any person. Any such denial of such right of inspection shall be made to such resident, in writing, generally stating the reason therefor within fifteen days of the request for such inspection. Any person aggrieved by such denial may appeal therefrom, within fifteen days, to the circuit court for the circuit wherein such body, agency, commission or official is located. If such court, after a trial de novo, determines such denial was not for just and proper cause, it shall enter such order for disclosure as it deems proper. Such appeals shall be privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by or on behalf of the state, including informations on the relation of private individuals. Nothing in this section shall deprive any person of any rights he may have had at common law prior to January 1, 1958. (1957 as amended 1961)

Connecticut: Meetings

TITLE 1: PROVISIONS OF GENERAL APPLICATION CHAPTER 3: PUBLIC RECORDS AND MEETINGS

Section 1-21. — *Meetings of governmental agencies to be public; recording of votes.* The meetings of all administrative and executive boards, commissions, agencies, bureaus, committees and other bodies of the state or any of its political subdivisions shall be open to the public when in session. Such meetings shall be closed to the pub-

lic when in executive session when so voted by a majority of the members of such body present and voting. The votes of each member of any such body upon any issue before such body shall be recorded in the minutes of the session at which taken, which records shall be available for public inspection at all reasonable times. Each administrative and executive board, commission, agency, bureau, committee or other body of the state shall file not later than January thirty-first of each year in the office of the secretary of the state the schedule of the regular meetings of such body for the ensuing year, and the chairman and secretary of any such body of any political subdivision of the state shall file, not later than January thirty-first of each year, with the clerk of such subdivision the schedule of regular meetings of such body for the ensuing year, and no such meeting of any such body shall be held sooner than thirty days after such schedule has been filed. Notice of any special meeting of any such body shall be given not less than twenty-four hours prior to the time of such meeting by posting a notice of the time and place of such meeting in the office of the secretary of the state for any such body of the state, and in the office of the clerk of such subdivision for any political subdivision of the state for any such body of any such political subdivision; provided, however, in case of emergency, any such special meeting may be held without complying with the foregoing requirement for the posting of notice, but a copy of the minutes of any such special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the secretary of the state or the clerk of such political subdivision, as the case may be, not later than seventy-two hours following the holding of such meeting. (1957 as amended 1967)

Section 1-21a. — *Broadcasting of meetings.* (a) At any meeting of an administrative or executive board, commission, agency, committee or other similar body of the state or any of its political subdivisions which is open to the public, pursuant to the provisions of section 1-21 of the general statutes, proceedings of such body may be broadcast or recorded for broadcast, subject to such rules as such body may have prescribed prior to such meeting, by any radio broadcasting company located or having transmission facilities within the state, and television cameras of any television broadcasting company located within the state, or having transmission facilities within the state, may be so located within the room as to permit the broadcasting either by radio or by television or by both of the proceedings of such body. The broadcaster and its personnel shall be required to handle the broadcast as inconspicuously as possible and in such manner as not to disturb the proceedings of the body. (b) Any such body may adopt rules governing the use of such broadcast equipment for radio and television stations but, in the absence of the adoption of such rules and regulations by such body prior to the meeting, the use of such radio and television equipment shall be permitted as provided in subsection (a). (1967)

Delaware: Meetings

TITLE 29: STATE GOVERNMENT PART V: PUBLIC OFFICERS AND EMPLOYEES CHAPTER 51: GENERAL PROVISIONS

Section 5109 — *Meetings of State boards and commissions; executive sessions.* The meetings of all boards and

commissions of the State of Delaware or any political subdivision thereof at which any business is transacted shall be open to the public and to representatives of the press. Nothing contained herein shall be construed to prohibit executive sessions or conferences of such boards and commissions at which no business shall be transacted. (1955)

Delaware: Records

TITLE 29: STATE GOVERNMENT

PART IV: STATE AGENCIES AND OFFICES NOT CREATED BY CONSTITUTION

CHAPTER 33: PUBLIC ARCHIVES COMMISSION

PART II: PUBLIC RECORDS

Section 3327. — *Definition of public records . . .* (d) As used in this section and other statutes appertaining thereto, the words "public records" mean any written or printed book, document, or paper, map or plan, which is the property of any court, department, board, commission or agency of this State or of any county or incorporated municipality therein, and in or on which any entry has been made or is required to be made by law, which any officer or employee of this State or of a county or an incorporated municipality has received or is required to receive for recording or filing. (1937)

Florida: Meetings and Records

CHAPTER 67-356: *An Act relating to public meetings and records; formal action to be taken in open meetings; requiring records to be open to public inspection; providing penalties; providing for enforcement through injunctive proceedings; providing an effective date.*

Section 1. — All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting.

The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizens of this state.

Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation or any political subdivision who violates the provisions of this act by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. (1967)

CHAPTER 119: PUBLIC RECORDS

TITLE 10: OFFICERS, OFFICES AND PUBLIC RECORDS

Section 1. — *Public records open to examination by citizens.* All state, county and municipal records shall at all times be open for a personal inspection of any citizen of Florida, and those in charge of such records shall not refuse this privilege to any citizen. (1909)

Section 2. — *Penalty.* Any official who shall violate the provisions of section 1 shall be subject to removal or im-

peachment and in addition shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months. (1909 as amended 1935)

Georgia: Board of Education Meetings

CONSTITUTION OF THE STATE OF GEORGIA

ARTICLE VIII: EDUCATION

SECTION VIII: MEETINGS OF BOARDS OF EDUCATION

Paragraph 1. — *Meetings open to the public.* All official meetings of County Boards of Education shall be open to the public. (1877)

Georgia: Records

TITLE 40: EXECUTIVE DEPARTMENT

PART XV: MISCELLANEOUS

CHAPTER 27: INSPECTION OF PUBLIC RECORDS

Section 1. — All State, county and municipal records, except those, which by order of a court of this State or by law, are prohibited from being open to inspection by the general public, shall be open for a personal inspection of any citizen of Georgia at a reasonable time and place, and those in charge of such records shall not refuse this privilege to any citizen.

Section 2. — In all cases where a member of the public interested has a right to inspect or take extracts or make copies from any public records, instruments or documents, any such person shall hereafter have the right of access to said records, documents or instruments for the purpose of making photographs of the same while in the possession, custody and control of the lawful custodian thereof, or his authorized deputy. Such work shall be done under the supervision of the lawful custodian of the said records, who shall have the right to adopt and enforce reasonable rules governing the said work. Said work shall be done in the room where the said records, documents or instruments are by law kept. While the said work herein before mentioned is in progress, the lawful custodian of said records may charge the person desiring to make the said photographs for the services of a deputy of the lawful custodian of said records, documents or instruments to supervise the same, or for the services of the said lawful custodian of the same in so doing at a rate of compensation to be agreed upon by the person desiring to make the said photographs and the custodian of the said records, documents or instruments.

Section 3. — All laws and parts of laws in conflict with the Act are hereby repealed. (1959)

Georgia: Meetings

HOUSE BILL NO. 287

Section 1. — All meetings of the governing bodies of all municipalities and counties in this State, boards of public instruction, and all other boards, bureaus, authorities or commissions in the State of Georgia, excepting grand juries, supported wholly or in part by public funds or expending public funds shall be public meetings. Provided, however, that before or after said public meetings said governing bodies, boards, bureaus, authorities or commissions may hold executive sessions privately but the ayes and nays of any balloting shall be recorded at the conclusion of said executive sessions.

Section 2. — Any person or persons wilfully violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as for a misdemeanor.

Section 3. — All laws and parts of laws in conflict with this Act are hereby repealed.

Hawaii: Meetings and Records

TITLE 1: GENERAL LAWS

CHAPTER 7A: PUBLIC AGENCY MEETINGS AND RECORDS

Section 7A-1. — *Definitions.* When used in this chapter:

(a) The term "board" means any agency, board, commission, authority or committee of the State or its political subdivisions, either legislative or executive, but not including bodies of the judicial branch, established by law to serve a public purpose, whether such agency, board, commission, authority or committee is within or without the formal structure of government.

(b) The term "public record" means any written or printed report, book or paper, map or plan of the State or of a county and their respective subdivisions and boards, which is the property thereof, and in or on which an entry has been made or is required to be made by law, or which any public officer or employee has received or is required to receive for filing, but shall not include records which invade the right of privacy of an individual.

Section 7A-2. — *Public meetings.* Except as otherwise provided in this chapter all meetings of every board shall be open to the public.

Section 7A-3. — *Executive sessions.* No board may meet in executive session, from which the public may be excluded except by a two-thirds recorded vote of its membership. No ordinance, ruling, regulation, contract, appointment or decision shall be finally acted upon at any such executive session.

Section 7A-4. — *Public records.* All public records shall be available for inspection by any person during established office hours unless public inspection of such records is in violation of any other state or federal law, provided that, except where such records are open under any rule of court, the attorney general and the responsible attorneys of the various counties may determine which records in their offices may be withheld from public inspection when such records pertain to the preparation of the prosecution or defense of any action or proceeding, prior to its commencement, to which the State or county is or may be a party, or when such records do not relate to a matter in violation of law and are deemed necessary for the protection of the character or reputation of any person.

Certified copies of extracts from public records shall be given by the officer having the same in custody to any person demanding the same and paying or tendering 20 cents a folio of one hundred words for such copies or extracts.

Section 7A-5. — *Minutes.* All boards shall maintain minutes of their meetings setting forth an accurate record of votes and actions taken at such meetings. Unless otherwise required by the governor in the case of the State, by the mayor of the city and county of Honolulu or the county chairman in the case of the various counties, such minutes need not include a verbatim record of discussions at such meetings. The minutes of all boards shall be deemed public records; provided that the minutes of any executive session may remain secret so long as their publication would defeat the lawful purpose of the executive session, but no longer.

Section 7A-6. — *Application to circuit court.* Any person aggrieved by the denial by the officer having the custody of any public record of the right to inspect such records or to obtain copies of extracts thereof may apply to the

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circuit court of the circuit wherein the public record is found for an order directing such officer to permit the inspection of or to furnish copies of extracts of such public records. The court shall grant such order after hearing upon a finding that the denial was not for just and proper cause. (1959)

Idaho: Meetings

TITLE 33: EDUCATION

CHAPTER 7: DISTRICT TRUSTEES — ANNUAL SCHOOL MEETING

Section 706a. — *Meetings open to public; exception as to executive sessions.* All meetings, regular and special, of the board of trustees of any school district and all meetings of boards, commissions and authorities created by or operating as agencies of any county, city or village not now declared by law to be open to the public, are hereby declared to be public meetings open to the public at all times; provided, however, that nothing contained in this act shall be construed to prevent any such board of trustees or such other board, commission or authority from holding executive sessions from which the public is excluded, but no ordinances, resolutions, rules or regulations shall be finally adopted at such an executive session. (1953)

Idaho: Records

TITLE 59: PUBLIC OFFICERS IN GENERAL CHAPTER 10: MISCELLANEOUS PROVISIONS

Section 59-1009. — *Official records open to inspection.* The public records and other matters in the office of any officer are, at all times during office hours, open to the inspection of any citizen of this state. 1901

Section 59-1011. — *Furnishing account books; examination by citizens.* It shall be the duty of the state and county officers respectively charged with furnishing books and stationery for public use, to furnish suitable books for the purpose to such officers; and such books shall be subject to examination by any citizen at any reasonable time, and such citizen shall be entitled to take memoranda from the same without charges being imposed: provided, if any person or persons desire certified copies of any such account, the officer or person in charge of said books shall be entitled to demand and receive fees for the same, as for copies of other public records in his control. (1901)

TITLE 9: EVIDENCE

CHAPTER 3: PUBLIC WRITINGS

Section 9-301. — *Public writings; right to inspect and take copy.* Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute.

Section 9-311. — *Public writings; classification.* Public writings are divided into four classes:

- (1.) Laws
- (2.) Judicial records.
- (3.) Other official documents.
- (4.) Public records kept in this state of private writings. (1881)

TITLE 67: STATE GOVERNMENT AND STATE AFFAIRS CHAPTER 20: STATE BOARD OF EXAMINERS

Section 67-2031. — *Definitions.* The term "public rec-

ords," as used in the act, means any written or printed book, or paper or document or map, or drawing which is the property of the state, not including any county, city, town, school corporation, or political subdivision thereof, and in or on which any entry has been made by law, or which any officer or employee of the state has received or is required to receive for filing. (1941)

Illinois: Meetings

Section 1. — It is the public policy of this State that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of this Act that their actions be taken openly and that their deliberations be conducted openly.

Section 2. — All meetings of any legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue shall be public meetings except for (a) personnel or collective negotiating matters between public employers and their employees or representatives as to employment, (b) executive sessions of the Illinois Crime Investigation Commission where investigations are to be discussed, (c) deliberations for decisions of the Illinois Commerce Commission, the Illinois Pardon and Parole Board and the Illinois Youth Commission or its successor agency, (d) meetings where the acquisition of real property is being considered, or where a pending court proceeding against or on behalf of the particular governmental unit is being considered, but no other portion of such meetings may be closed to the public (e) grand and petit jury sessions and (f) where the constitution provides that a governmental unit can hold secret meetings. This Act does not apply to the General Assembly or to committees or commissions thereof.

This Section does not prevent any body covered by this Act from holding closed sessions to consider information regarding appointment, employment or dismissal of an employee or officer, but no final action may be taken at a closed session. This Section does not prevent an agency of government from holding a closed session when Federal regulation requires it. This Section does not prevent a school board or any committee thereof from hearing a student disciplinary case at a closed session. This Section does not prevent an advisory committee appointed to provide a public body with professional consultation on matters germane to its field of competence from holding a closed session to consider matters of professional ethics or performance.

Section 2.01. — All meetings required by this Act to be public shall be held at specified times and places which are convenient to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday.

Section 2.02. — Public notice of all meetings required by this Act to be public shall be given as follows:

(a) Every body subject to this Act shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. Public

notice of any special meeting, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 24 hours before such meeting. However, this requirement of public notice of reconvened meetings does not apply to any case where the meeting is to be reconvened within 24 hours nor to any case where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, rescheduled or reconvened meeting, to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Any such news media shall also be given the same notice of all special, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address within the territorial jurisdiction of the public body at which such notice may be given.

Section 2.03. — In addition to the notice required by Section 2.02, each body subject to this Act must, at the beginning of each calendar or fiscal year, prepare and make available a schedule of all its regular meetings for such calendar or fiscal year, listing the times and places of such meetings.

If a change is made in regular meeting dates, at least 10 days notice of such change shall be given by publication in a newspaper of general circulation in the area in which such body functions. However, in the case of bodies of local governmental units with a population of less than 500 in which no newspaper is published, such 10 days notice may be given by posting a notice of such change in at least 3 prominent places within the governmental unit. Notice of such change shall also be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice as provided in paragraph (b) of Section 2.02.

Section 2.04. — The notice requirements of this Act are in addition to, and not in substitution of, any other notice required by law. Failure of any news medium to receive a notice provided for by this Act shall not invalidate any meeting provided notice was in fact given in accordance with this Act.

Section 3. — Where the provisions of this Act are not complied with or where there is probable cause to believe that the provisions of this Act will not be complied with, the court shall issue a writ of mandamus requiring that a meeting be open to the public at large or issue such other appropriate order as will insure compliance with the provisions of this Act. (1967)

Illinois: Records

CHAPTER 116: RECORDS

Section 43.4. — Title. This Act shall be known as "The State Records Act."

Section 43.5. — Definitions. For the purposes of this Act: "Secretary" means Secretary of State.

"Record" or "records" means all books, papers, maps, photographs, or other official documentary materials, regardless of physical form or characteristics made, produced, executed or received by any agency in the State

in pursuance of state law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its successor as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the State or of the State Government, or because of the informational data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in this Act.

"Agency" means all parts, boards, and commissions of the executive branch of the State government including but not limited to all departments established by the "Civil Administrative Code of Illinois" as heretofore or hereafter amended.

"Public Officer" or "public officers" means all officers of the executive branch of the State government, all officers created by the "Civil Administrative Code of Illinois," as heretofore or hereafter amended, and all other officers and heads, presidents, or chairmen of boards, commissions, and agencies of the State government.

"Commission" means the State Records Commission.

"Archivist" means the Secretary of State.

Section 43.6. — *Public policy as to records; exception.* All records of the expenditure or receipt of public funds, including but not limited to, warrants, vouchers, invoices, purchase orders, requisitions, payrolls, records of receipts and similar documents made, created, or filed by or on file with any public officer of the State or any agency of the State are public records and shall be open to public inspection, except as otherwise provided pursuant to law, at all reasonable times. Nothing in this Section shall be construed to limit any right given by statute or rule of law with respect to the inspection of other types of records.

Section 43.7. — *Right of access by public; reproduction; fees.* Any person shall have the right of access to any public records of the expenditure or receipt of public funds as defined in Section 43.6 for the purpose of obtaining copies of the same or of making photographs of the same while in the possession, custody and control of the lawful custodian thereof, or his authorized deputy. The photographing shall be done under the supervision of the lawful custodian of said records, who has the right to adopt and enforce reasonable rules governing such work. The work of photographing shall, when possible, be done in the room where the records, documents or instruments are kept. However, if in the judgment of the lawful custodian of the records, documents or instruments, it would be impossible or impracticable to perform the work in the room in which the records, documents or instruments are kept, the work shall be done in some other room or place as nearly adjacent as possible to the room where kept. Where the providing of a separate room or place is necessary, the expense of providing for the same shall be borne by the person or persons desiring to photograph the records, documents or instruments. The lawful custodian of the records, documents or instruments may charge the same fee for the services rendered by him or his assistant in supervising the photographing as may be charged for furnishing a certified copy or copies of the said record, document, or instrument. In the event that the lawful custodian of said records shall deem it advisable in his judgment to furnish photographs of such public records, instruments or documents in lieu of allowing the same to be photographed, then in such event he may

furnish photographs of such records and charge a fee of 35c per page when the page to be photographed does not exceed legal size and \$1.00 per page when the page to be photographed exceeds legal size and where the fees and charges therefor are not otherwise fixed by law. (1957)

CHAPTER 35: COUNTY CLERKS

Section 9. — *Custody of records.* The county clerk shall have the care and custody of all the records, books and papers appertaining to and filed or deposited in their respective offices, and the same shall be open to the inspection of all persons without reward. (1874)

Indiana: Meetings and Records

TITLE 57: RECORDS AND PUBLIC PROCEEDINGS

CHAPTER 6: INSPECTION AND PUBLICITY OF RECORDS AND PROCEEDINGS

Section 57-601. — *Construction of act.* Pursuant to the fundamental philosophy of the American Constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the State of Indiana that all of the citizens of this state are, unless otherwise expressly provided by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those whom the people select to represent them as public officials and employees.

To that end, the provisions of this act shall be liberally construed with the view of carrying out the above declaration of policy.

Section 57-602. — *Definitions.* As used in this act:

(1) The term "public records" shall mean any writing in any form necessary, under or required, or directed to be made by any Statute or by any rule or regulation of any administrative body or agency of the state or any of its political sub-divisions.

(2) The term "public proceedings" shall mean the transaction of governmental functions affecting any or all of the citizens of the state by any administrative body or agency of the state, or any of its political sub-divisions when such administrative body or agency is convened for the purpose of transacting the governmental function with which it is charged under any statute or under any rule or regulation of such administrative body or agency.

Section 57-603. — *Right of inspection of public records.* Except as may now or hereafter be otherwise specifically provided by law, every citizen of this state shall, during the regular business hours of all administrative bodies or agencies of the state, or any political subdivision thereof, have the right to inspect the public records of such administrative bodies or agencies, and to make memoranda abstracts from the records so inspected.

Section 57-604. — *Citizen permitted to observe public proceedings.* Except as may now or hereafter be otherwise specifically provided by law, all public proceedings shall be open to any citizen of this state, and every citizen shall, insofar as physical facilities permit, be permitted to observe such proceedings.

Section 57-605. — *Exceptions to act: confidential records; executive sessions of administrative body or agency.* Nothing in this act contained shall be construed to modify or repeal any existing law with regard to public records which, by law, are declared to be confidential. Nor

shall anything in this act be construed to modify or repeal any existing law, rule or regulation, with regard to the holding of executive sessions by any administrative body or agency. Provided, however, that no administrative body or agency shall, under the guise of holding an executive session, conduct public proceedings in such a manner as to defeat the declared policy of this act as set forth in Section 1 hereof.

Section 57-606. — *Violation of act by official: penalty.* Any public official of the state, or of any political subdivision thereof, who denies to any citizen the rights guaranteed to such citizen under the provisions of Sections 3 and 4 hereof, and any public official who, under the guise of participating in an executive session of the administrative body or agency of which he is a member, attempts to defeat the purposes of this act as set forth in Section 1 hereof, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than \$50.00 nor more than \$500.00 to which may be added imprisonment in the county jail for a term not to exceed 30 days. (1953)

Section 57-607. — *No secrecy in public hearings of state administrative bodies.* It is hereby declared to be the public policy of the State of Indiana that there shall be no secrecy in the conduct of the public hearings of the administrative bodies of the State of Indiana. (1959)

Section 57-608. — *Recorded or live broadcasts of hearings authorized.* In order to facilitate the public policy so declared, all administrative bodies of the state of Indiana conducting public hearings shall allow the use of either recorded or live broadcasts of such hearings, subject to such reasonable rules and regulations as may be adopted by the administrative body holding and conducting such public hearings. (1959)

Section 57-609. — *Limitation on broadcasts; pooled recording of broadcasts.* It is hereby specifically declared that such administrative bodies may limit such broadcasts to the broadcast of recordings of such public hearings made in a manner approved by such administrative body, and it is specifically declared that such administrative body may require the use of pooled recording or broadcasting facilities for all of the news or broadcasting media requesting the use of such recordings or broadcasting rights. (1959)

Iowa: Meetings

(Senate File 536): An Act requiring meetings of governmental agencies to be open to the public.

Section 1. — All meetings of the following public agencies shall be public meetings open to the public at all times, and meetings of any public agency which are not open to the public are prohibited, unless closed meetings are expressly permitted by law: (1) Any board, council or commission created or authorized by the laws of this state. (2) Any board, council, commission, trustees, or governing body of any county, city, town, township, school corporation, political subdivision, or tax-supported district in this state. (3) Any committee of any such board, council, commission, trustees, or governing body.

Wherever used in this Act, "public agency" or "public agencies" includes all of the foregoing, and "meeting" or "meetings" includes all meetings of every kind, regardless of where the meeting is held, and whether formal or informal.

Section 2. — Every citizen of Iowa shall have the right to be present at any such meeting. However, any public agency may make and enforce reasonable rules and regulations for conduct of persons attending its meetings and situations where there is not enough room for all citizens who wish to attend a meeting.

Section 3. — Any public agency may hold a closed session by affirmative vote of two-thirds (2/3) of its members present, when necessary to prevent irreparable and needless injury to the reputation of an individual whose employment or discharge is under consideration, or to prevent premature disclosure of information on real estate proposed to be purchased, or for some other exceptional reason so compelling as to override the general public policy in favor of public meetings. The vote of each member on the question of holding the closed session and the reason for the closed session shall be entered in the minutes, but the statement of such reason need not state the name of any individual or the details of the matter discussed in the closed session. Any final action on any matter shall be taken in a public meeting and not in closed session, unless some provision of the Code expressly permits such action to be taken in a closed session. No regular or general practice or pattern of holding closed sessions shall be permitted.

Section 4. — Each public agency shall give advance public notice of the time and place of each meeting, by notifying the communications media or in some other way which gives reasonable notice to the public. When it is necessary to hold an emergency meeting without notice, the nature of the emergency shall be stated in the minutes.

Section 5. — Each public agency shall keep minutes of all its meetings showing the time and place, the members present, and the action taken at each meeting. The minutes shall be public records open to public inspection.

Section 6. — This Act does not apply to any court, jury, or military organization.

Section 7. — The provisions of this Act and all rights of citizens under this Act may be enforced by mandamus or injunction, whether or not any other remedy is also available.

Section 8. — Any person knowingly violating or attempting to violate any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred (100) dollars. (1967)

Iowa: Records

(Senate File 537): An Act to protect the right of citizens to examine public records and make copies thereof.

Section 1. — Wherever used in this Act, "public records" includes all records and documents of or belonging to this state or any county, city, town, township, school corporation, political subdivision, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

Section 2. — Every citizen of Iowa shall have the right to examine all public records and to copy such records, and the news media may publish such records, unless some other provision of the Code expressly limits such right or requires such records to be kept secret or confidential. The right to copy records shall include the right to make photographs or photographic copies while the records are in the possession of the lawful custodian of the records. All rights under this section are in addition to the right to obtain certified copies of records under section six hundred twenty-two point forty-six (622.46) of the Code.

Section 3. — Such examination and copying shall be done under the supervision of the lawful custodian of the records

or his authorized deputy. The lawful custodian may adopt and enforce reasonable rules and regulations regarding such work and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for such work, but if it is impracticable to do such work in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for such work. All expenses of such work shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or his authorized deputy in supervising the records during such work.

Section 4. — The rights of citizens under this Act may be exercised at any time during the customary office hours of the lawful custodian of the records. However, if the lawful custodian does not have customary office hours of at least thirty (30) hours per week, such right may be exercised at any time from nine (9) o'clock a.m. to noon and from one (1) o'clock p.m. to four (4) o'clock Monday through Friday, excluding legal holidays, unless the citizen exercising such right and the lawful custodian agree on a different time.

Section 5. — The provisions of this Act and all rights of citizens under this Act may be enforced by mandamus or injunction, whether or not any other remedy is also available.

Section 6. — It shall be unlawful for any person to deny or refuse any citizen of Iowa any right under this Act, or to cause any such right to be denied or refused. Any person knowingly violating or attempting to violate any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred (100) dollars.

Section 7. — The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release information:

1. Personal information in records regarding a student, prospective student, or former student of the school corporation or educational institution maintaining such records.
2. Hospital records and medical records of the condition, diagnosis, care, or treatment of a patient or former patient, including outpatient.
3. Trade secrets which are recognized and protected as such by law.
4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.
5. Peace officers' investigative reports, except where disclosure is authorized elsewhere in this Code.
6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.
7. Appraisals or appraisal information concerning the purchase of real or personal property for public purposes, prior to public announcement of a project.
8. Iowa development commission information on an industrial prospect with which the commission is currently negotiating.
9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests shall be public records.

10. Personal information in confidential personnel records of the military department of the state.

11. Personal information in confidential personnel records of public bodies including but not limited to cities,

towns, boards of supervisors and school districts.

Section 8. — In accordance with the rules of civil procedure the district court may grant an injunction restraining the examination (including copying) of a specific public record, if the petition supported by affidavit shows and if the court finds that such examination would clearly not be in the public interest and would substantially and irreparably injure any person or persons. The district court shall take into account the policy of this Act that free and open examination of public records is generally in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Such injunction shall be subject to the rules of civil procedure except that the court in its discretion may waive bond. Reasonable delay by any person in permitting the examination of a record in order to seek an injunction under this section is not a violation of this Act, if such person believes in good faith that he is entitled to an injunction restraining the examination of such record.

Section 9. — Section ninety-one point thirteen (91.13), Code 1966, is hereby repealed.

Section 10. — Section four hundred twenty-two point sixty-five (422.65), Code 1966, is amended by adding the following new sentence at the end of subsection one (1): "This subsection shall prevail over the provisions of any general law of this state relating to public records."

Section 11. — If it is determined that any provision of this Act would cause the denial of funds, services or essential information from the United States government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

Section 12. — This Act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in The Algona Upper Des Moines, a newspaper published at Algona, Iowa, and in the Independence Conservative, a newspaper published at Independence, Iowa. (1967)

Kansas: Records

CHAPTER 45: LAWS, JOURNALS AND PUBLIC INFORMATION ARTICLE 2: RECORDS OPEN TO PUBLIC

Section 45-201. — *Official public records open to inspection; exceptions.* All official public records of the state, counties, municipalities, townships, school districts, commissions, agencies and legislative bodies, which records by law are required to be kept and maintained, except those of the juvenile court which shall be open unless specifically closed by the judge or by law, adoption records, records of the birth of illegitimate children, and records specifically closed by law or by directive authorized by law, shall at all times be open for a personal inspection by any citizen, and those in charge of such records shall not refuse this privilege to any citizen.

Section 45-202. — *Same; photographing records, when; rules.* In all cases where the public or any person interested has a right to inspect or take extracts or make copies from any such public records, instruments or documents, any such person shall have the right of access to said records, documents or instruments for the purpose of making photographs of the same while in the possession, custody and control of the lawful custodian thereof or his authorized deputy. Such work shall be done

under the supervision of the lawful custodian of the said records who shall have the right to adopt and enforce reasonable rules governing the said work. Said work shall, where possible, be done in the room where the said records, documents or instruments are by law kept, but if the same in the judgment of the lawful custodian of the said records, documents or instruments be impossible or impracticable, then the said work shall be done in such other room or place as nearly adjacent as may be available.

Section 45-203. — *Same; penalties for violations.* Any official who shall violate the provisions of this act shall be subject to removal from office and in addition shall be deemed guilty of a misdemeanor. (1957)

CHAPTER 75: STATE DEPARTMENTS AND OFFICERS
ARTICLE 35: PUBLIC RECORDS

Section 75-3501. — *Records defined.* For the purposes of this act: "Records" mean originals or copies of written or printed books, documents, correspondence, papers, maps, drawings, charts, indexes, plans, memoranda, sound recordings, motion picture or other photographic records which are the property of any department, officer, board, commission or agency of the state. (1945)

Kentucky: Records

CHAPTER 171: STATE LIBRARIES; . . . STATE ARCHIVES
AND RECORDS

Section 171.590. — *Public nature of records in commission's custody.* The commission shall be responsible for the custody, use, and withdrawal of records transferred to it. All papers, books, and other records of any matters so transferred are public records and shall be open to inspection by any interested person subject to reasonable rules as to time and place of inspection established by the commission; provided that whenever any records, the use of which is subject to statutory limitations and restrictions, are so transferred, the commission shall enforce such limitations. Restrictions shall not remain in effect after the records have been in existence for fifty years.

Section 171.610. — *Facilities for public inspection.* The director shall make such provision and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

Section 171.650. — *Public nature of agency records.* Unless otherwise provided by law, all papers, books, and other records of any matters required by law or administrative rule to be kept by any agency, and all records arising from the exercise of functions authorized thereby, are public records and shall be open to inspection by any interested person subject to reasonable rules as to time and place of inspection established under KRS 12.080. A certified copy of any public record, subject to any such rules in effect, shall be furnished by the custodian thereof, to any person requesting it, upon the payment of such reasonable fee therefor as may be prescribed by law or by administrative rule. (1958)

Louisiana: Meetings

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 1: TERMS OF OFFICE OR EMPLOYMENT

Section 5. — *Meetings of governing bodies and boards to be open to public.* All meetings of town and city coun-

cils, police juries and other governing bodies; school boards and boards of levee and port commissioners; boards of publicly operated utilities; and all state, parish, district or municipal boards or authorities with policy making or administrative functions which receive or expend tax funds, the Legislature specifically exempted, shall be open to the public.

Section 6. — *Closed or executive meetings.* Upon formal motion made, seconded and carried, such councils, police juries, governing bodies, boards or authorities may recess to a specified time, but not adjourn, open meetings for closed or executive meetings provided no final or binding action shall be taken during such closed or executive recesses and that they shall not be used as a subterfuge to defeat the purposes of R.S. 42:5, 42:7 and 42:8.

Section 7. — *Fixed time and place of regular meetings; notice of special meetings.* All such councils, police juries, boards or authorities, except the legislature, shall fix the time and place of regular meetings, and in the event of deviation from the fixed time and place of meeting, or in the event of special meetings, advance public notice shall be given by legible notices posted on a bulletin board or other prominent place at the domicile, and place at which the meeting is to be held if different from domicile, of the council, police jury, governing body, board or authority calling such meeting, and by such other means as are consistent with circumstances. This Section shall be construed by way of extension and not limitation with respect to any existing law upon this subject matter.

Section 8. — *Compliance with law.* It shall be unlawful for such councils, police juries, governing bodies, boards or authorities to hold meetings under any conditions contravening the provisions of R.S. 42:5 through R.S. 42:7. (1952)

Louisiana: Records

TITLE 44: PUBLIC RECORDS AND RECORDERS
CHAPTER 1: PUBLIC RECORDS
PART I: SCOPE

Section 1. — *General definitions.* All records, writings, accounts, letters and letter books, maps, drawings, memoranda and papers, and all copies or duplicates thereof, and all photographs or other similar reproduction of the same, having been used, being in use, or prepared for use in the conduct, transaction or performance of any business, transaction, work, duty or function which was conducted, transacted or performed by or under the authority of the Constitution or the laws of this state, or the ordinances or mandates or orders of any municipal or parish government or officer, or any board or commission or office established or set up by the Constitution or the laws of this state, or concerning or relating to the receipt or payment of any money received or paid by or under the authority of the Constitution or the laws of this state are public records, subject to the provisions of this Chapter except as hereinafter provided.

Section 2. — *Records involved in legislative investigations.* Subject to the proviso set forth in Sub-section B of R.S. 44:3, the provisions of this Chapter shall not apply to any records, writings, accounts, letters, letter books, photographs or copies thereof, in the custody or control of any attorney or counsel whose duties or functions are performed by or under the authority of the legislature and which concern or hold relation to any case, cause, charge or investigation being conducted by or through the legislature, until after the case, cause, charge or investigation has been finally disposed of.

After final disposition, the records, writings, accounts,

letters, letter books, photographs or copies thereof, are public records and subject to the provisions of this Chapter.

Section 3. — *Records held by investigating officer or agency.* (A) This Chapter shall not apply to public records when they are held by any sheriff, district attorney, police officer, investigator or investigating agency of the state as evidence in the investigation or prosecution of a criminal charge, until after the public records have been used in open court or the criminal charge has been finally disposed of. This section shall not be construed as forbidding the officers or agencies to make public anything they are otherwise legally authorized to make public.

This Chapter shall fully apply to all public records concerning the administration, management, conduct, direction and business of the office or department or force of any sheriff, district attorney, police officer or investigating agency, in every way not in conflict with the special exception of matters concerning or relating to a criminal charge or investigation as specified in this Section.

(B) In all cases set forth in this Section and in R.S. 44:2, upon petition filed against the custodian of the records by one or more citizens in the district court of the parish where the record is so held, the district judge shall determine summarily in open court or in chambers whether the record is bona fide held for investigation of any violation of the laws of this state or as evidence in the prosecution of a criminal charge. No appeal shall lie from the decision of the judge. (1940)

Section 4. — *Tax returns; records relating to old age assistance; dependent children; liquidation proceedings; banks; insurance ratings.* This Chapter shall not apply:

(1) To any tax returns.

(2) To the name of any person or any other information from the records, papers or files of the state or its political subdivisions or agencies, concerning persons applying for or receiving old age assistance, aid to the blind, or aid to dependent children.

(3) To any records, writings, accounts, letters, letter books, photographs or copies thereof, in the custody or control of any officer, employee, agent or agency of the state whose duties and functions are to investigate, examine, manage in whole or in part, or liquidate the business of any private person, firm or corporation in this state, when the records, writings, accounts, letters, letter books, photographs or copies thereof, pertain to the business of the private person, firm or corporation, and are in their nature confidential.

(4) To any records, writings, accounts, letters, letter books, photographs or copies thereof in the custody or control of the state bank commissioner or agent, insofar as the records relate to solvent banks engaged in the banking business at the time of application for inspection.

(5) To any daily reports or endorsements filed by insurance companies doing business in this state with the Louisiana Casualty and Surety Rating Commission in accordance with the laws of this state.

(6) To any records, writings, accounts, letters, letter books, photographs or copies or memoranda thereof in the custody or control of the Supervisor of Public Funds, unless otherwise provided by law.

(7) To any records, writings, accounts, letters, letter books, photographs or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive, or continue to hold, a license to practice medicine or midwifery, in the custody or control of the Louisiana State Board of Medical Examiners. (1940 as amended 1950)

Section 5. — *Records in custody of governor.* This Chapter shall not apply to any of the books, records, writings, accounts, letters, letter books, photographs or copies thereof, ordinarily kept in the custody or control of the governor in the usual course of the duties and business of his office.

The provisions of this Section shall not prevent any person otherwise herein authorized so to do from examining and copying any books, records, papers, accounts or other documents pertaining to any money or moneys or any financial transactions in the control of or handled by or through the governor. (1940)

Section 6. — *Completed reports of the Supervisor of Public Funds.* The completed reports of audits of the Supervisor of Public Funds shall be public records and shall be available at the office of the Supervisor of Public Funds three days after the completion of the reports. (1948)

Section 7. — *Hospital records.* The charts, records, reports, documents and other memoranda prepared by physicians, surgeons, psychiatrists, nurses and employees in the public hospitals of Louisiana to record or indicate the past or present condition, sickness or disease, physical or mental, of the patients treated in the hospital are exempted from the provisions of this Chapter, except when the condition of the patient is due to an accident, poisoning, negligence or presumable negligence resulting in any injury, assault or any act of violence or a violation of the law.

The governing board or commission of each public hospital administered by such a body, or the chief medical, surgical or psychiatric officer of public hospitals that have no governing board or commission or similar body of administrators, may make and enforce rules under which these charts, records, reports, documents, or other memoranda may be exhibited or copied by or for persons legitimately and properly interested in the disease, physical or mental, or in the condition of patients. (1940)

PART II: GENERAL PROVISIONS

Section 31. — *Right to examine records.* The right to examine, copy, photograph and take memoranda of any and all public records, except as otherwise provided in this Chapter, may be exercised by:

(1) Any elector of the state.

(2) Any taxpayer who has paid any tax collected by or under the authority of the state if payment was made within one year from the date the taxpayer applies to exercise the right.

(3) Any duly authorized agent of paragraphs (1) and (2) above.

Section 32. — *Duty to permit examination.* All persons having custody or control of any public record shall present it to any person who is authorized by the provisions of this Chapter and who applies during the regular office hours or working hours of the person to whom the application is made. The persons in custody or control of a public record shall make no inquiry of any person authorized by this Chapter who applies for a public record, beyond the purpose of establishing his authority; and shall not review nor examine or scrutinize any copy, photograph or memoranda in the possession of any authorized person; and shall give, grant and extend to the authorized persons all reasonable comfort and facility

CHAPTER 1: SOVEREIGNTY AND JURISDICTION

for the full exercise of the right granted by this Chapter.

Section 33. — *Availability of records.* If the public record applied for is immediately available, because of its not being in active use at the time of the application, the public record shall be immediately presented to the authorized person applying for it. If the public record applied for is not immediately available, because of its being in active use at the time of the application, then the chief of the office, or the person next in authority among those present, shall promptly certify this in writing to the applicant, and in his certificate shall fix a day and hour within three days for the exercise of the right granted by this Chapter.

The fact that the public records are being audited shall in no case be construed as a reason or justification for a refusal to allow inspection of the records except when the public records are in active use by the auditor.

Section 34. — *Absence of records.* If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person then has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody or control. He shall include in the certificate ample and detailed answers to all inquiries of the applicant that may facilitate the exercise of the right granted by this Chapter. (1940)

Section 35. — *Suits to enforce provisions; preference.* Any suit brought in any court of original jurisdiction to enforce the provisions of this Chapter shall be tried by preference and in a summary manner. All appellate courts to which the suits are brought shall place them on its preferential docket and shall hear them without delay. The appellate courts shall also render a decision in these suits within ten days after hearing them.

Section 37. — *Penalties for violation by custodians of records.* Any person having custody or control of a public record, who violates any of the provisions of this Chapter, or any person not having such custody or control who by any conspiracy, understanding or cooperation with any other person hinders or attempts to hinder the inspection of any public records declared by this Chapter to be subject to inspection, shall upon first conviction be fined not less than one hundred dollars, and not more than one thousand dollars, or shall be imprisoned for not less than one month, nor more than six months. Upon any subsequent conviction he shall be fined not less than two hundred fifty dollars, and not more than two thousand dollars, or imprisoned for not less than two months, nor more than six months, or both.

Section 38. — *Penalties for violation by electors and taxpayers.* Any elector or taxpayer, or any agent of either, who after exercising the right granted by this Chapter violates any of its provisions shall be fined not less than twenty-five dollars, nor more than two thousand dollars, or be imprisoned not less than ten days, nor more than two months, or both, and he shall forfeit the right granted by this Chapter for a period of six months from the day of the conviction. (1940)

Section 36. — *Declaration of public policy; open meetings.* The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that their deliberations be conducted openly.

Section 37. — *Definition of public proceedings.* The term "public proceedings" as used in sections 36 to 41 shall mean the transactions of any functions affecting any or all citizens of the State by any administrative or legislative body of the State, or of any of its counties or municipalities, or of any other political subdivision of the State, which body is composed of 3 or more members, with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency.

Section 38. — *Meetings to be open to the public.* All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of these bodies or agencies, and any minutes of such meetings as are required by law shall be promptly recorded and open to public inspection, except as otherwise specifically provided by statute.

Section 39. — *Executive sessions.* Nothing contained in sections 36 to 41 shall be construed to prevent these bodies or agencies from holding executive sessions, subject to the following conditions: that such sessions shall not be used to defeat the purposes of sections 36 to 41; that no ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action shall be finally approved at such executive sessions; that such executive sessions may be called only by a majority vote of the members of such bodies or agencies. The conditions of this section shall not apply to executive sessions of committees of the Maine Legislature.

Section 40. — *Minutes and records available for public inspection.* Every citizen of this State shall, during the regular business or meeting hours of all such bodies or agencies, and on the regular business premises of all such bodies or agencies, have the right to inspect all public records, including any minutes of meetings of such bodies or agencies as are required by law, and to make memoranda abstracts or photographic or photostatic copies of the records or minutes so inspected, except as otherwise specifically provided by statute.

Section 41. — *Violation.* A violation of any of the provisions of sections 36 to 41 of the wrongful exclusion of any person or persons from any meetings for which provision is made shall be punishable by a fine of not more than \$500 or by imprisonment for less than one year. Nothing contained in sections 36 to 41 shall be construed as abridging the right of any citizen or citizens to appeal to a court of this State for the enforcement of the rights provided for in said sections. (1959)

Maryland: Meetings

ARTICLE 41: GOVERNOR — EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS; GENERAL PROVISIONS

Section 14. — *Meetings of boards, etc., to be public.* All meetings, regular and special, of the boards or commissions in control of any department, bureau or other agency of the Executive Department in the government of Maryland shall be public meetings and open to the public at all times. Nothing contained herein shall be

construed to prevent any such board or commission from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session. (1954)

Massachusetts: Meetings and Records

TITLE 3: LAWS RELATING TO STATE OFFICERS CHAPTER 30A: STATE ADMINISTRATIVE PROCEDURE

Section 11A. — *State boards and commissions; meetings; notices; summary of meetings.* All meetings of every state board and commission shall be open to the public and to the press unless such board or commission shall vote to go into executive session. Such executive session may be held only for the purpose of discussing, deliberating or voting on those matters which by general or special statute or federal grant-in-aid requirements, cannot be made public, and those matters which if made public might adversely affect the public security, the financial interests of the commonwealth or its political subdivisions, or the reputation of any person.

Except in an emergency, a notice of each meeting of any state board or commission subject to this section shall be filed with the secretary of state, and a copy thereof posted in the public office of the commission on administration and finance at least twenty-four hours, including Saturdays but not Sundays and legal holidays, prior to the time of such meeting. Such filing and posting shall be the responsibility of the officer or officers calling such meeting. For the purpose of this section, "emergency" shall mean a situation where immediate, undelayed action is deemed by the board or commission to be imperative.

All state boards and commissions shall maintain accurate records of their meetings, setting forth the action taken at each meeting, including executive sessions. A summary of all matters voted shall be made available with reasonable promptness after each meeting; provided, however, that votes taken in executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer. The records of each meeting shall become a public record and be available to the public upon being approved; provided, however, that the records of any executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer.

The provisions of this section shall not apply to the executive council, bodies of the judicial branch, committees of the general court, recess commissions or the governing board or body of any authority established by the general court to serve a public purpose in the commonwealth or any part thereof, whether such authority is within or without the formal structure of the state government, or to any meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it, or of the board of bank incorporation, the state tax commission, the small loans regulatory board or the General Insurance Guaranty Fund. (1958 as amended 1960)

TITLE 6: COUNTIES AND COUNTY OFFICERS CHAPTER 34: COUNTIES AND COUNTY COMMISSIONERS

Section 9F. — *Meetings open to public; emergencies; records of summary of meetings.* All meetings of every county board and commission shall be open to the public and to the press unless such board or commission shall vote to go into executive session. Such executive

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session may be held only for the purposes of discussing, deliberating or voting on those matters which by general or special statute, or federal grant-in-aid requirements, cannot be made public, and those matters which if made public might adversely affect the public security, the financial interest of the county or its subdivisions, or the reputation of any person.

Except in an emergency, a notice of each meeting of any county board or commission shall, at least twenty-four hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in such place or places as the county commissioners shall designate for the purpose. For the purpose of this section, "emergency" shall mean a situation where immediate, undelayed action is deemed by the county commissioners to be imperative.

All county boards and commissions shall maintain accurate records of their meetings, setting forth the action taken at each meeting, including executive sessions. A summary of all matters voted shall be made available with reasonable promptness after each meeting; provided, however, that votes taken in executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session but no longer. The records of each meeting shall become a public record and be available to the public upon being approved; provided, however, that the minutes of any executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer. (1958 as amended 1960)

TITLE 7: CITIES, TOWNS AND DISTRICTS CHAPTER 39: MUNICIPAL GOVERNMENT

Section 23A. — *Meetings open to public; notices; emergencies; records of summary of meetings.* As used in this section and in section twenty-three B, the word "board" shall include every board, commission, committee and sub-committee, however elected, appointed or otherwise constituted, of any district, city or town. It shall also include the governing board of every local housing, redevelopment or similar authority. All board meetings shall be open to the public and to the press unless the board shall vote to go into executive session. Such executive session may be held only for the purpose of discussing, deliberating or voting on those matters which by general or special statute, or federal grant-in-aid requirements, cannot be made public, and those matters which if made public might adversely affect the public security, the financial interest of the district, city, town or local housing authority, or the reputation of any person; provided, however, that the meetings of any such board which shall be investigating any board or agency of a municipal government or any legislation which could ultimately change or alter the existing governmental structure of a city or town, shall, at all times, be open to the public and to the press, notwithstanding a vote of such board to go into executive sessions.

Except in an emergency, a notice of each board meeting shall be filed with the clerk of the municipality in which the board acts, and the notice or a copy thereof shall, at least twenty-four hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such municipality. The secretary of a regional school district shall be con-

sidered to be its clerk, and notices of its meetings shall be filed with its secretary and posted in his office or on the principal official bulletin board of the district. If the meeting shall be of a board of a newly organized municipality having neither clerk nor official bulletin board, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such municipality and each such clerk shall post the notice in his office or on the principal official bulletin board of his city or town. For the purposes of this section, "emergency" shall mean a situation where immediate, undelayed action is deemed by the board to be imperative.

Every board shall maintain accurate records setting forth the action taken at each meeting. A summary of all matters voted shall be made available with reasonable promptness after each meeting; provided, however, that votes taken in executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer. The records of each meeting shall become a public record and be available to the public upon being approved; provided, however, that the records of any executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer. (1958 as amended 1960)

Section 23B. — *Open meetings; regulations of participation by public.* No person shall address a public meeting of a board, without leave of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned. (1958 as amended 1960)

(This latter section is included here because it establishes the principle that the right of the public and press to attend open municipal board meetings does not entitle them to become involved in the board proceedings except with the permission of the presiding officer.)

CHAPTER 43: CITY CHARTERS

Sections 18 (paragraph 2), 35, 71 and 84. — (These sections amend the various statutory provisions relating to city councils and city school committees in standard city charters, bringing them into line with the open meetings policy of the state.)

Massachusetts: Records

TITLE 10: PUBLIC RECORDS

CHAPTER 66: PUBLIC RECORDS

Section 5A. — *Records of meetings of boards and commissions; contents.* The records required to be kept by sections eleven A of chapter thirty A, nine F of chapter thirty-four, and twenty-three A of chapter thirty-nine, shall record exactly the votes and other official actions taken by such boards and commissions; but unless otherwise required by the governor in the case of state boards, commissions and districts, or by the county commissioners in the case of county boards and commissions, or the governing body thereof in the case of a district, or by ordinance or by-law of the city or town in the case of municipal boards, such records need not include a ver-

batim record of discussions at such meetings. (1958 as amended 1960)

Section 7. — *"Public Records."* "Public records" shall mean any written or printed book or paper, any map or plan of the commonwealth, or of any county, city or town which is the property thereof, and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the commonwealth or of a county, district, city or town has received or is required to receive for filing, and any book, paper, record or copy mentioned in section eleven A of chapter thirty A, where applicable, section nine F of chapter thirty-four, section twenty-three A of chapter thirty-nine, or sections five to eight, inclusive, and sixteen of chapter sixty-six, including public records made by photographic process as provided in section three of said chapter.

Section 10. — *Public inspection of records; fees for copies.* Every person having custody of any public records shall, at reasonable times, permit them to be inspected and examined by any person, under his supervision, and shall furnish copies thereof on payment of a reasonable fee. In towns such inspection and furnishing of copies may be regulated by ordinance or by-law, and the fees therefor shall be as provided by clause (65) of section thirty-four of chapter two hundred and sixty-two. (1851 as amended 1857, 1897, and 1948)

Section 11. — Upon the effective date of this act, the provisions of all special acts which are inconsistent with the provisions of this act shall, only to the extent that they conflict with this act, become null and void.

(Normally, special laws in Massachusetts relating to cities and towns take precedence over the general laws. Section 11 is an important exception to this.)

Michigan: Meetings

TITLE 5: MUNICIPALITIES

CHAPTER 33: TOWNSHIP OFFICERS

Section 5.64 (2). — *Meetings open to public; executive sessions.* All regular and special meetings of the township board shall be open to the public, and the rules of the board shall provide that citizens shall have a reasonable opportunity to be heard. The board may hold executive sessions, but no final action shall be taken at any executive session. (1960)

CHAPTER 36: SUPERVISORS AND AUDITORS

Section 5.323. — . . . They shall sit with open doors and all persons may attend their meetings. . . . (rest pertains to quorum, vote requirements, eligibility to office) (1863)

CHAPTER 48: FOURTH CLASS CITIES

Section 5.1703. — *Meetings public; quorum; procedure; authorizing vote.* All meetings and sessions of the council shall be public. . . . (rest pertains to quorum.) (1895)

CHAPTER 49: HOME RULE CITIES

Section 5.2073. — *Public sessions, records.* That all sessions of the legislative body and all records of the municipality shall be public. (1929)

CONSTITUTION

ARTICLE V: LEGISLATIVE DEPARTMENT

Section 18. — *Same; meetings open to public; adjournment.* The doors of each house shall be open unless the public welfare requires secrecy. Neither house shall, without the consent of the other, adjourn for more than three

days, nor to any other place where the legislature may then be in session. (1908)

Michigan: Meetings and Records, Board of Education

TITLE 15: EDUCATION

CHAPTER 146a: SCHOOL CODE OF 1955

Section 15.3.561. — *Transaction of business; meetings of board, temporary officers.* All business which the board of any district is authorized to perform shall be done at a public meeting of the board and no act shall be valid unless voted at a meeting of the board by an affirmative vote of a majority thereof and a proper record made of the vote. A majority of the members of the board at a meeting thereof shall be necessary for the transaction of business. A meeting in which all members are present, with or without proper notice, shall be considered a legal meeting for the transaction of business. Meetings of the board shall be public meetings and no person shall be excluded therefrom. The board may hold executive sessions, but no final action shall be taken at any executive session. The minutes of all board meetings must be signed by the secretary. In the absence of the secretary in any meeting, the president shall appoint a temporary secretary who shall sign the minutes of the meeting. In the absence of the president, the other members present shall elect a temporary president. (1927 as amended 1955 and 1959)

Section 15.3.562. — *Record of proceedings.* The board of every district shall purchase a record book and such other books, blanks and stationery as may be necessary to keep a record of the proceedings of the board, the accounts of the treasurer, and for doing the business of the district in an orderly manner. All records of the board shall be public records and subject to inspection under section 750.492 of the Compiled Laws of 1948. (1927 as amended 1953 and 1959)

Michigan: Records

ARTICLE 10: FINANCE AND TAXATION

Section 18. — *Accounts of public officials.* The legislature shall provide by law for the keeping of accounts by all state officials, boards and institutions, and by all county officials; and shall also provide for the supervision and audit thereof by competent state authority and for uniform reports of all public accounts to such authority. Such systems of account shall provide for accurate records of all financial and other transactions and for checks upon all receipts and disbursements of all such officials, boards and institutions; and shall be uniform for all similar boards, institutions and county officials. All public accounts and the audit thereof shall be public records.

ARTICLE 5: LEGISLATIVE DEPARTMENT

Section 16. — *Same; journals; right of member to protest.* Each house shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house on any question shall be entered on the journal at the request of 1/5 of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason for his dissent entered on the journal. (1908)

Section 28.760. — *Inspection and use of public records; copies; removal orders.* Any officer having the custody of any county, city or township records in this state who

shall when requested fail or neglect to furnish proper and reasonable facilities for the inspection and examination of the records and files in his office and for making memoranda of transcripts therefrom during the usual business hours, which shall not be less than four hours per day, to any person having occasion to make examination of them for any lawful purpose shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than one (1) year, or by a fine of not more than five hundred (500) dollars: Provided, that the custodian of said records and files may make such reasonable rules and regulations with reference to the inspection and examination of them as shall be necessary for the protection of said records and files, and to prevent interference with the regular discharge of the duties of such officer: Provided further, that such officer shall prohibit the use of pen and ink in making copies of notes of records and files in his office: Provided further, that no books, records and files shall be removed from the office of the custodian thereof for any purposes whatever, except by the order of the judge of any court of competent jurisdiction, or in response to a subpoena duces tecum issued therefrom. (1899)

Minnesota: Meetings

PART I: PUBLIC RIGHTS

CHAPTER 10: GENERAL PROVISIONS RELATING TO EXECUTIVE DEPARTMENTS

Section 10.41 — *Meetings open to the public; exception.* Except as otherwise expressly provided by law, whenever any state agency, department, board or commission in the executive department of government is required or permitted by law to transact any public business in a meeting, such meeting shall be open to the public. This section does not apply to the deliberations of any quasi-legislative or quasi-judicial body nor to the meetings of the board of pardons, the adult corrections commission and the youth conservation commission. (1957 as amended 1959)

Minnesota: Records

PART I: PUBLIC RIGHTS

CHAPTER 15: DEPARTMENTS OF STATE IN GENERAL

Section 15.17.1 — *Official records must be kept.* All officers and agencies of the state, and all officers and agencies of the counties, cities, villages, and towns, shall make and keep all records necessary to full and accurate knowledge of their official activities. All such public records shall be made on paper of durable quality and with the use of ink, carbon papers, and typewriter ribbons of such quality as to insure permanent records. . . (rest deals with photostating.)

Section 15.17.2. — *Chief officer responsible for records.* The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's public records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each such agency, and of the chief administrative officer thereof, to carefully protect and preserve public records from deterioration, mutilation, loss, or destruction. Records or record books may be re-

paired, renovated, or rebound when necessary to preserve them properly. (1941)

Section 15.17.4. — Records accessible to public. Every custodian of public records shall keep them in such arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records, provided that a suitable means for public inspection of the records is provided by the agency maintaining the records. Except as otherwise expressly provided by law, he shall permit all public records in his custody to be inspected, examined, abstracted, or copied at reasonable times and under his supervision and regulation by any person; and he shall, upon the demand of any person, furnish certified copies thereof on payment in advance of fees not to exceed the fees prescribed by law. (1941 as amended 1957)

Mississippi: Records

TITLE 7: PROPERTY
CHAPTER 2: LAND AND CONVEYANCES

Section 878. — *How instrument recorded and book indexed; records public; copies.* (1) It shall be the duty of the clerk of the chancery court to whom any written instrument is delivered to be recorded, and which is properly recordable in his county, to record the same without delay in a well-bound book of good paper, to be provided by him for that purpose, together with the acknowledgments of proofs and the certificates thereof, and also the plats of surveys, schedules, and other papers thereto annexed, by entering them word for word in a fair handwriting, or typewriting, or by filling up printed forms, or by recording by photostat machine or other equally permanent photographic process, and entering at the margin or foot of the page the hour and minute, the day of the month, and the year when the instrument was delivered to him for record, and when recorded. He shall also carefully preserve all instruments of writing which are properly acknowledged and delivered to him to be recorded, and after recording, deliver them to the party entitled thereto on demand. He shall also put a complete alphabetical index, both direct and reverse to each book; and every person shall have access, at proper times, to such books, and be entitled to transcripts from the same on paying the lawful fees. He shall record the deeds and other instruments in the order of time in which they are filed for record as far as practicable.

Missouri: Records

TITLE 8: PUBLIC OFFICERS, BONDS AND RECORDS
CHAPTER 109: PUBLIC RECORDS

Section 109.180. — Except as otherwise provided by law, all state, county and municipal records shall at all reasonable times be open for a personal inspection by any citizen of Missouri, and those in charge of the records shall not refuse the privilege to any citizen. Any official who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars, or by confinement in the county jail not exceeding ninety days, or by both the fine and the confinement.

Section 109.190. — In all cases where the public or any person interested has a right to inspect or take extracts or make copies from any public records, instruments or documents, any person has the right of access to the records, documents, or instruments for the purpose of making photographs of them while in the possession, custody and control of the lawful custodian thereof or his authorized deputy. The work shall be done under the supervision of the lawful custodian of the records who may adopt and enforce reasonable rules governing the work. The work shall, where possible, be done in the room where the records, documents or instruments are by law kept, but if that is impossible or impracticable, the work shall be done in another room or place as nearly adjacent to the place of custody as possible to be determined by the custodian of the records. While the work authorized herein is in progress, the lawful custodian of the records may charge the person desiring to make the photographs a reasonable rate for his services or for the services of a deputy to supervise the work and for the use of the room or place where the work is done. (1961)

Montana: Records

TITLE 93: CIVIL PROCEDURE
CHAPTER 1001: EVIDENCE — PUBLIC WRITINGS

Section 93-1001-1. — *Writings, public and private.* Writings are of two kinds: (1) public; and, (2) private.

Section 93-1001-2. — *Public writings defined.* Public writings are: (1) The written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country; (2) Public records, kept in this state, of private writings.

Section 93-1001-3. — *All others private.* All other writings are private.

Section 93-1001-4. — *Every citizen entitled to inspect and copy public writings.* Every citizen has a right to inspect and take a copy of any public writings of this state, except as otherwise expressly provided by statute.

Section 93-1001-5. — *Public officer bound to give copies.* Every public officer having the custody of a public writing, which a citizen has a right to inspect, is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor, and such copy is admissible as evidence in like cases and with like effect as the original writing. (1895)

Montana: Meetings

(SUBSTITUTE HOUSE BILL NO. 71)

Section 1. — The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of this act that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the act shall be liberally construed.

Section 2. — All meetings of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organization or agencies supported in whole or in part by public funds, or expending public funds, at which any action is taken by such public governmental body, board, bureau, commission or agency of the state or any political

subdivision of the state shall be open to the public, except as otherwise specifically provided by law and except any meeting involving or affecting:

- (1) National or state security
- (2) The disciplining of any public officer or employee, or any hearing on, or of, a complaint against a public officer or employee, unless the public officer or employee requests an open meeting.
- (3) The employment, appointment, promotion, dismissal, demotion or resignation of any public officer or employee, unless the public officer or employee requests an open meeting.
- (4) The purchasing of public property, the investing of public funds or other matters involving competition or bargaining which, if made public may adversely affect the public security or financial interest of the state or any political subdivision or agency of the state.
- (5) The revocation of a license of any person licensed under the laws of the state or any political subdivision of the state.
- (6) Law enforcement, crime prevention, probation or parole.

Section 3. — Appropriate minutes of all meetings declared to be open, shall be kept and shall be available for inspection by the public. (1963)

Montana: Meetings and Records

TITLE 16: COUNTIES

CHAPTER 9: COUNTY COMMISSIONERS; ORGANIZATION; MEETINGS; COMPENSATION

Section 16-906. — *Meetings and records to be public.* All meetings of the board must be public, and the books, records, and accounts must be kept at the office of the clerk, open at all times for public inspection, free of charge. (1895)

Nebraska: Records

CHAPTER 25: COURTS, DISTRICT; CIVIL PROCEDURE

ARTICLE 12: EVIDENCE — (e) DOCUMENTARY EVIDENCE

Section 25-1280. — *Official records; certified copies; duty of custodian to furnish.* Every state, county, or political subdivision officer having the custody of a public record or writing is bound to give any person on demand a certified copy thereof on payment of the legal fees therefor. Where fees are not otherwise expressly provided by statute, the fee shall be fifteen cents per hundred words if the copy is a typewritten copy, and the cost of the mechanically reproduced copy when the copy is made by photographic or offset process. In addition thereto a fee of fifty cents shall be charged for the certificate of the officer.

This act shall be liberally construed whenever any state, county or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt or other record of receipt, cash or expenditure involving public funds is involved in order that the citizens of this state shall have full rights to know of, and have full access to information on the public finances of the government and the public bodies and entities created to serve them. (1961)

CHAPTER 84: STATE OFFICERS

ARTICLE 7: GENERAL PROVISIONS AS TO STATE OFFICERS

Section 84-712. — *Public records; free examination; certification for veterans without charge.* Except as otherwise expressly provided by statute, all citizens of

this state, and all other persons interested in the examination of the public records, are hereby fully empowered and authorized to examine the same, and to make memoranda and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business.

When it shall be requested by any claimant before the United States Veterans' Bureau or any claimant before the United States Bureau of Pensions, his or her agent or attorney, that certified copies of any public record be furnished for the proper and effective presentation of any such claim in such bureau, the officer in charge of such public records shall furnish or cause to be furnished such claimant, his or her agent or attorney, a certified copy thereof free of charge.

Any person denied any rights granted by this act may file for speedy relief by a writ of mandamus in the district court within whose jurisdiction the state, county, or political subdivision officer who has custody of said public record can be served. Any official who shall violate the provisions of this act shall be subject to removal or impeachment and in addition shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding three months. (1961)

Nebraska: Meetings

(LEGISLATIVE BILL 726)

Section 1. — Except as otherwise expressly provided by the Constitution or the statutes of Nebraska, all convened meetings of governing bodies of all agencies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, of the independent boards, commissions, bureaus, committees, councils, subunits, or any other administrative agencies, whether advisory or executive, of the State of Nebraska, or of any political subdivision of the State of Nebraska, exercising legislative, executive or administrative powers or supported in whole or in part by public funds or entrusted with powers of recommending the expenditure of, or actually expending, public funds shall be deemed to be a public meeting which shall be held in a public building except as provided in section 2 of this act, and which shall be open in attendance to the public. This act shall not be construed to apply to any city having substantially similar requirements in its home rule charter or to the Legislature or any committee thereof.

Section 2. — The public policy of the State of Nebraska is that all public meetings should be preceded by some publicized notice specifying the time and place of all such meetings in order that the citizens of the state can intelligently exercise their democratic privilege of appearing at public sessions of governmental bodies. All such public meetings shall be held in the public building in which the governmental body conducting the meeting operates or is headquartered unless the publicized notice shall designate another public building or other place. The minutes of the governmental body, kept by the secretary or acting secretary of such body, shall record the manner by which such publicized notice was given.

Section 3. — Except as otherwise expressly provided by statute, all persons interested in attending public meetings are hereby fully empowered and authorized to do so, and all such parties shall be allowed to make memoranda or abstracts and fully report or broadcast what transpires

thereat, or may do so from the minutes thereof, so that the public of this state shall have full rights to know about, and have full access to, the public bodies and entities created to serve them.

Section 4. — Any official who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine not exceeding twenty-five dollars.

Section 5. — Any governing body named in section 1 of this act shall go into an executive session only upon a motion duly made, seconded and passed by a majority of the governing body in open session convened. Such motion, second, and roll call shall be duly recorded in the minutes of such meeting together with the time of convening and adjourning the open session and the time of commencement and conclusion of the executive portion thereof. Any member of such governing body may call for the ayes and nays on any question in the minutes of such governing body. Any formal action of any type, including expenditure of funds, adopted or taken at any meeting other than while open to the attendance of the public, shall be void.

Section 6. — Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law. (1967)

Nevada: Meetings

TITLE 19: MISCELLANEOUS MATTERS RELATED TO GOVERNMENT AND PUBLIC AFFAIRS

CHAPTER 241: MEETINGS OF STATE AND LOCAL AGENCIES

Section 241.010. — *Legislative declaration and intent.* In enacting this chapter, the legislature finds and declares that all public agencies, commissions, bureaus, departments, public corporations, municipal corporations, and quasi-municipal corporations and political subdivisions exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

Section 241.020. — *Meetings to be open and public; attendance of all persons; exception.* Except as otherwise provided in section 241.030 all meetings of public agencies, commissions, bureaus, departments, public corporations, municipal corporations and quasi-municipal corporations and political subdivisions shall be open and public, and all persons shall be permitted to attend any meeting of these bodies.

Section 241.030. — *Executive sessions concerning public officers, employees; exclusion of witnesses.* Nothing contained in this chapter shall be construed to prevent the legislative body of a public agency, commission, bureau, department, public corporation, municipal corporation, quasi-municipal corporation or political subdivision from holding executive sessions to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The legislative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

Section 241.040. — *Penalties.* A violation of any of the provisions of this chapter or the wrongful exclusion of any person or persons from any meeting for which pro-

vision is made in this chapter is a misdemeanor. (1960)
TITLE 20: COUNTIES AND TOWNSHIPS: FORMATION, GOVERNMENT AND OFFICERS

CHAPTER 244: COUNTY GOVERNMENT: COMMISSIONERS AND MANAGERS

Section 244.080. — *Meetings to be open and public; executive sessions.*

(1) In enacting this section, the legislature finds and declares that the boards of county commissioners exist to aid in the conduct of the people's business. It is the intent of this section that their actions be taken openly and that their deliberations be conducted openly.

(2) Except as otherwise provided in subsection (3), all sessions of the board shall be open and public, and all persons shall be permitted to attend any meeting of the board.

(3) Nothing contained in this section shall be construed to prevent the board of county commissioners from holding executive sessions to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. A board of county commissioners also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the board of county commissioners.

(4) A violation of any of the provisions of this section or the wrongful exclusion of any person or persons from any meeting for which provision is made in this section is a misdemeanor. (1960)

TITLE 21: CITIES AND TOWNS

CHAPTER 268: POWERS AND DUTIES COMMON TO CITIES AND TOWNS INCORPORATED UNDER GENERAL OR SPECIAL LAWS

Section 268.305. — *Meetings of city governing bodies to be open and public; executive sessions.*

(1) In enacting this section, the legislature finds and declares that the city councils or other governing bodies of incorporated cities in this state, whether incorporated under the provisions of chapters 266 or 267 of NRS or under the provisions of a special act, exist to aid in the conduct of the people's business. It is the intent of this section that their actions be taken openly and that their deliberations be conducted openly.

(2) Except as otherwise provided in subsection (3), all meetings of city councils or other governing bodies of incorporated cities in the state shall be open and public, and all persons shall be permitted to attend any meeting of the city council or other governing body.

(3) Nothing contained in this section shall be construed to prevent the city council or other governing body from holding executive sessions to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. A city council or other governing body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the city council or other governing body.

(4) A violation of any of the provisions of this section or the wrongful exclusion of any person or persons from any meeting for which provision is made in this section is a misdemeanor. (1960)

Section 386.355. — *Meetings of the board of trustees open and public; executive sessions.*

(1) In enacting this section, the legislature finds and declares that the boards of trustees of school districts exist to aid in the conduct of the people's business. It is the intent of this section that their actions be taken openly and that their deliberations be conducted openly.

(2) Except as otherwise provided in subsection (3), all meetings of the board of trustees shall be open and public, and all persons shall be permitted to attend any meeting of the board.

(3) Nothing contained in this section shall be construed to prevent the board of trustees of a school district from holding executive sessions to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The board of trustees also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the board of trustees.

(4) A violation of any of the provisions of this section or the wrongful exclusion of any person or persons from any meeting for which provision is made in this section is a misdemeanor. (1960)

CHAPTER 396: UNIVERSITY OF NEVADA

Section 396.100. — *Meetings open and public; executive sessions; records open to public inspection.*

(1) In enacting this section, the legislature finds and declares that the board of regents exists to aid in the conduct of the people's business. It is the intent of this section that the board's actions be taken openly and that its deliberations be conducted openly. (1960)

(2) The board shall hold four regular meetings in each year and may hold special meetings at the call of the chairman of the board. (1887)

(3) Except as otherwise provided in subsection (4), all regular and special meetings of the board of regents shall be open and public and all persons shall be permitted to attend any meeting of the board. (1887 as amended 1960)

(4) Nothing contained in this section shall be construed to prevent the board of regents from holding executive sessions to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The board of regents also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the board of regents. (1960)

(5) At all times, the records of all proceedings of the board shall be open to public inspection. (1887)

(6) A violation of any of the provisions of this section or the wrongful exclusion of any person or persons from any meeting for which provision is made in this section is a misdemeanor. (1960)

Nevada: Records

TITLE 19

CHAPTER 239: PUBLIC RECORDS

Section 239.010. — *State and county records open to inspection.* All books and records of the state and county

officers of this state shall be open at all times during office hours to inspection by any person, and the same may be fully copied or an abstract or memorandum prepared therefrom, and any copies, abstracts or memoranda taken therefrom may be utilized to supply the general public with copies, abstracts or memoranda of the records or in any other way in which the same may be used to the advantage of the owner thereof or of the general public. (1911)

Section 239.030. — *Certification of prepared copies of public records.* Whenever any person shall present to the custodian or other person authorized to make and certify copies of any public record or document in any and all counties of the state not divided in 1909 a printed or typewritten copy of any such record or document, or any part thereof, such custodian or person shall forthwith compare such copy with the original thereof and make the same a true and correct copy thereof and shall officially certify the same as such. The fees and compensation legally chargeable or receivable therefor shall only be one-third of what the fees or compensation would have been if the custodian or person had made and certified the copy. (1909)

New Hampshire: Meetings and Records

RSA: CHAPTER 91-A: ACCESS TO PUBLIC RECORDS AND PROCEEDINGS

Section 91-A:1. — *Definition of public proceedings.* The term "public proceedings" as used in this chapter means the transactions of any functions affecting any or all citizens of the state by any board or commission of any state agency or authority, and all meetings of any board, commission, agency, or authority, of any county, town, municipal corporation, school district, or other political subdivision.

Section 91-A:2. — *Meetings open to the public.* All public proceedings are open to the public, and all persons are permitted to attend any meetings of these bodies or agencies, and minutes of such meetings shall be promptly recorded and open to public inspection, except as provided by section 5 of this chapter. If the charter of any city or guide lines set down by the appointing authority requires broader public access to official meetings and records than herein described, such charter provisions or guide lines shall take precedence over the requirements of this chapter.

Section 91-A:3. — *Executive sessions.* (I) Nothing contained in this chapter shall be construed to prevent these bodies or agencies from holding executive sessions but any decisions made during any executive session must be recorded and made available for public inspection promptly, and no ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official actions shall be finally approved in executive session. The conditions of this section do not apply to executive sessions of the committees of the general court. (II) Exceptions. A body, or agency, may exclude the public when it is considering or acting upon the following matters: (a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigating of any charges against him, unless the employee affected requests an open meeting; (b) the hiring of any person as a public employee; (c) matters which, if discussed in public, would be likely to affect adversely

the reputation of any person, other than a member of the body itself; (d) consideration of the acquisition, sale, or lease of land which, if discussed in public, would be likely to benefit a party, or parties, whose interests are adverse to those of the general community.

Section 91-A:4. — Minutes and records available for public inspection. Every citizen during the regular or business hours of all such bodies or agencies, and on the regular business premises of such bodies or agencies, has the right to inspect all public records, including minutes of meetings of the bodies or agencies, and to make memoranda abstracts, photographic or photostatic copies, of the records or minutes so inspected, except as otherwise provided by statute or section 5 of this chapter.

Section 91-A:5 — Exemptions. The records of the following bodies are exempted from the provisions of this chapter: (I) grand and petit juries; (II) parole and pardon boards; (III) personal school records of pupils; (IV) records pertaining to internal personnel practices, confidential, commercial, or financial information, personnel, medical, welfare, and other files whose disclosure would constitute invasion of privacy.

Section 91-A:6. — Exclusion. This chapter shall not apply to chapter 282 of the Revised Statutes Annotated, relative to employment security.

Section 91-A:7. — Violation. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. The courts shall give proceedings under this chapter priority on the court calendar. (1967)

New Jersey: Meetings

TITLE 10: CIVIL RIGHTS CHAPTER 4: PUBLIC BODIES

Section 10:4-1. — Declaration of public policy. The Legislature finds and declares it to be the public policy of this State to insure the right of the citizens of this State to attend meetings of public bodies, with certain exceptions, for the protection of the public interest.

Section 10:4-2. — Definitions. "Public body" and "body" mean a commission, authority, board, council, committee and every other group of 2 or more persons organized under the law of this State to perform a public governmental function by official action. "Official action" means a determination made by vote.

Section 10:4-3. — Admission to meetings of public bodies. The public shall be admitted to any meeting of a public body at which official action is taken.

Section 10:4-4. — Exceptions. The foregoing shall not apply (a) where contrary provision is made by law, (b) where its application would impair a right to receive funds from the national government (c) where the law provides that a record or report of official action of the type in question is or may be rendered confidential (d) in the case of official action relating only to the procedure to be followed in the conduct of a meeting, (e) to the office of the Governor or the Judicial or Legislative branches of State Government, (f) to the State Parole Board in any capacity or to any other public body to the extent that it acts in a parol capacity, (g) in the case of official action authorizing the investment of public funds, investigations or other activities where, and only where the accomplishment of the object of the official action is likely to be materially prejudiced if the official action is made publicly known in full prior to the accomplishment of its object, and provided that, prior

to taking any such official action the public body shall have adopted a resolution of the body at a meeting of the body to which the public is admitted, (1) stating the general nature of the contemplated action, (2) determining that accomplishment of the object of the contemplated action is likely to be materially prejudiced if that action is made publicly known prior to the accomplishment of its object, and (3) stating in general terms the reasons why material prejudice would be likely to result if the contemplated action were made publicly known in full prior to the accomplishment of its object.

Section 10:4-5. — Violations; official action voidable. Official action taken in violation of the requirements of this act shall be voidable in a proceeding in the Superior Court. (1960)

New Jersey: Records

TITLE : PUBLIC RECORDS

CHAPTER 3: DESTRUCTION AND UNLAWFUL PROTECTION OF PUBLIC RECORDS

Section 47:3-16. — "Public records".....defined. As used in this act, except where the context indicates otherwise, the words "public records" mean any paper, written or printed book, document, or drawing, map or plan, photograph, microfilm, sound recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the state or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the state or of any political subdivision thereof, including subordinate boards thereof in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein. (1953)

New Mexico: Meetings

CHAPTER 5: PUBLIC OFFICERS AND EMPLOYEES ARTICLE 6: MISCELLANEOUS PROVISIONS

Section 5-6-17. — Governing bodies of state or local subdivisions to make final decisions at public meetings; exceptions; penalty.

(A) The governing bodies of all municipalities, boards of county commissioners, boards of public instruction and all other governmental boards and commissions of the state or its subdivisions, supported by public funds, shall make all final decisions at meetings open to the public provided, however, meetings of grand juries shall not be included as public meetings within the meaning of this section.

(B) Any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one hundred dollars (\$100) for each offense. (1959)

New Mexico: Records

CHAPTER 71: RECORDS AND RECORDING ARTICLE 5: INSPECTION OF PUBLIC RECORDS

Section 71-5-1. — Right to inspect public records; exceptions. Every citizen of this state has a right to inspect any public records of this state except records pertaining to physical or mental examinations and medical treatment of persons confined to any institutions and except as otherwise provided by law.

Section 71-5-2. — *Officers to provide opportunity and facilities for inspection.* All officers having the custody of any state, county, school, city or town records in this state shall furnish proper and reasonable opportunities for the inspection and examination of all the records, requested of their respective offices and reasonable facilities for making memoranda abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them for any lawful purpose.

Section 71-5-3. — *Penalties for violation of act.* If any officer having the custody of any state, county, school, city or town records in this state shall refuse to any citizen of this state the right to inspect any public records of this state, as provided in this act (71-5-1 to 71-5-3), such officer shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than two hundred and fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), or be sentenced to not less than sixty (60) days nor more than six (6) months in jail, or both such fine and imprisonment for each separate violation. (1947)

ARTICLE 6: PUBLIC RECORDS ACT

Section 71-6-2. — *Definitions.* As used in the Public Records Act: . . . (C) "Public records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein. Library or museum material made or acquired solely for reference, circulation or exhibition purposes, extra copies of documents preserved only for convenience, and stocks of publications and of processed documents are not included. (1959)

New York: Meetings and Records

Chapter 286: PUBLIC BUSINESS, MISCELLANEOUS PROVISIONS

Section 286.011. — *Public meetings and records; public inspection; penalties.* (1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purpose of this section upon application by any citizens of this state.

(3) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation or any political subdivision who violated the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment.

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EDUCATION LAW

TITLE 1: GENERAL PROVISIONS

ARTICLE 3: DIVISIONS OF HISTORY AND PUBLIC RECORDS

Section 144. — *Definition of public records.* In construing the provisions of this chapter and other statutes, the words "public records" shall, unless a contrary intention clearly appears, mean any written or printed book or paper, or map, which is the property of the state, or of any county, city, town or village or part thereof, and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the state or of a county, city, town or village has received or is required to receive for filing.

All public records inscribed by public officials, other than maps, shall be entered or recorded in durable ink on linen paper durably made and well finished. (1910)

North Carolina: Meetings and Records

CHAPTER 160: MUNICIPAL CORPORATIONS

Section 160-269. — *Meetings regulated, and journal kept.* The city governing body shall from time to time establish rules for its proceedings. Regular and special meetings shall be held at a time and place fixed by ordinance. All legislative sessions shall be open to the public, and every matter shall be put to a vote, the result of which shall be duly recorded. The governing body shall not by executive session or otherwise consider or vote on any question in private session. A full and accurate journal of the proceedings shall be kept, and shall be open to the inspection of any qualified registered voter of the city. (1917)

North Carolina: Records

DIVISION XVI: STATE GOVERNMENT AND AGENCIES

CHAPTER 132: PUBLIC RECORDS

Section 132-1. — *Public records defined.* Public records comprise all written or printed books, papers, letters, documents and maps made and received in pursuance of law by the public offices of the State and its counties, municipalities and other subdivisions of government in the transaction of public business.

Section 132-2. — *Custodian designated.* The public official in charge of an office having public records shall be the custodian thereof.

Section 132-6. — *Inspection and examination of records.* Every person having custody of public records shall permit them to be inspected and examined at reasonable times and under his supervision by any person, and he shall furnish certified copies thereof on payment of fees as prescribed by law. (1935)

North Dakota: Meetings

TITLE 44: OFFICES AND OFFICERS

CHAPTER 04: DUTIES OF OFFICERS

Section 44-04-19. — *Open governmental meetings.* Except as otherwise specifically provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be open to the public. (1957)

North Dakota: Records

TITLE 44: OFFICES AND OFFICERS
CHAPTER 04: DUTIES OF OFFICERS

Section 44-04-18. — *Access to public records.* Except as otherwise specifically provided by law, all records of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds shall be public records, open and accessible for inspection during reasonable office hours. (1957)

Ohio: Meetings and Records

TITLE 1: STATE GOVERNMENT
CHAPTER 121: STATE DEPARTMENTS

Section 121.22. — *Meetings of governmental bodies to be public.* All meetings of any board or commission of any state agency or authority and all meetings of any board, commission, agency or authority of any county, township, municipal corporation, school district or other political subdivision are declared to be public meetings open to the public at all times. No resolution, rule, regulation or formal action of any kind shall be adopted at any executive session of any such board, commission, agency or authority.

The minutes of a regular or special session or meeting of any such board, commission, agency or authority shall be promptly recorded and such records shall be open to public inspection.

The provisions of this act do not apply to the pardon and parole commission when its hearings are conducted at a penal institution for the sole purpose of interviewing inmates to determine parole or pardon (1953 as amended 1955 and 1961)

Oklahoma: Meetings

TITLE 25: DEFINITIONS AND GENERAL PROVISIONS
CHAPTER 6: MEETINGS OF GOVERNING BODIES

Section 201. — *Meetings as public meetings.* All meetings of the governing bodies of all municipalities located within the State of Oklahoma, Boards of County Commissioners or the counties in the State of Oklahoma, Boards of Public and Higher Education in the State of Oklahoma, and all other boards, bureaus, commissions, trusteeships, or authorities in the State of Oklahoma supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public properties, shall be public meetings, however, the discussion of any individual for employment or appointment may be in closed session but the vote or action shall be in public meeting.

Section 202. — *Penalties.* Any person or persons violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment. (1959)

Oklahoma: Records

TITLE 51: OFFICERS
CHAPTER 1: GENERAL PROVISIONS

Section 24. — It is hereby made the duty of every public official of the State of Oklahoma, and its subdivisions, who are required by law to keep public records pertaining to their said offices, to keep the same open for public inspection for proper purposes, at proper times and in proper manner, to the citizens and taxpayers of this State, and its sub-divisions, during all business hours of the day; provided, however, the provisions of this act shall not apply to Income Tax Returns filed with the Oklahoma Tax Commission, or other records required by law to be kept secret. (1943)

TITLE 25: DEFINITIONS AND GENERAL PROVISIONS
CHAPTER 4: NEWSPAPERS AND PUBLICATIONS OF NOTICES

Section 1.15. — *Minutes of school board and municipal meetings to be furnished to legal newspapers upon request.* It shall be the mandatory duty of the clerk of the board of each school district and the clerk of the governing body of each city and town to furnish the tentative minutes of every regular and-or special meeting of such school boards and municipal governing bodies to legal newspapers requesting the same in writing, provided any such newspaper must be located in the same county as all or a part of the school district or municipality to which such request is made.

Provided further that such minutes shall be furnished within five (5) days after all such regular and-or special meetings to eligible newspapers requesting the same and that any such written request shall be effective and said minutes shall be furnished in compliance therewith for the current calendar year or remaining portion thereof unless a shorter period shall be specified in said request. (1961)

Oregon: Records

POLITICAL CODE

TITLE 19: MISCELLANEOUS MATTERS RELATED TO GOVERNMENT AND PUBLIC AFFAIRS
CHAPTER 192: PUBLIC RECORDS

Section 192:005. — *Definitions.* As used in this chapter, unless the context requires otherwise: . . . (5) "Public record" means a document, book, paper, photograph, file, sound recording or other material, such as court filed, mortgage or deed records, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. "Public records" includes correspondence, public records made by photocopying and public writings, but does not include: (a) records of the Legislative Assembly, its committees, officers and employees; (b) library and museum materials made or acquired and preserved solely for reference or exhibition purposes; (c) extra copies of a document, preserved only for convenience or reference; (d) a stock of publications. (1961 as amended 1965)

(6) "Public writing" means a written act or record of an act of a sovereign authority, official body, tribunal or public officer of this state, whether legislative, judicial or executive. (1961)

Section 192.010. — *Right to inspect public writings.* Every citizen of this state has a right to inspect any public writing of this state, except as otherwise expressly provided by statute. (1862)

Section 192.020. — *Public officers bound to give copies.* Every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give

him on demand, a certified copy of it, on payment of the legal fees therefor. (1862)

Section 192.030. — Right to inspect public records. The custodian of any public records of the state or a political subdivision, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in his office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his duties. (1909 as amended 1961)

Pennsylvania: Meetings

TITLE 65: PUBLIC OFFICERS

CHAPTER 12: MEETINGS

Section 251. — *Definitions.* In this act the following terms shall have the following meanings:

(A) "Board." The board of county commissioners of any county, the council of any city, borough or incorporated town, the board of commissioners of any township of the first class, the board of supervisors of any township of the second class, the school board of any school district or the board, commission or other governing body of the Pennsylvania Turnpike Commission or of any State or municipal authority or similar organization created by, or pursuant to, a statute which declares, in substance, that such organization performs or has for its purpose the performance of an essential governmental function and that its bonds shall not pledge the faith or credit or be obligations of the Commonwealth or of any political subdivision.

(B) "Public Meeting." That part of any meeting of a board during which it votes upon any ordinance, resolution, motion or other official action proposed by or to the board dealing with the receipt, borrowing or disbursement of funds or the acquisition, use or disposal of services or of any supplies, materials, equipment or other property or the fixing of personal or property rights, privileges, immunities, duties or obligations of any person or group of persons: Provided, That the term "Public Meeting" shall not mean any meeting, the publication of the facts concerning which would disclose the institution, progress or result of an investigation undertaken by a board in the performance of its official duties.

Section 252. — *Open meetings.* Every public meeting of a board shall be open to the public.

Section 253. — *Public notice of meetings.* Every board shall hold all public meetings at specified times and places of which public notice shall be given.

(A) Public notice of the schedule of regular meetings shall be given once for each calendar or fiscal year, and shall show the regular dates and times for meetings and the place at which meetings are held. Public notice of each special meeting and of each rescheduled regular or special meeting shall be given of the date, time and place of each meeting. Public notice shall be given (1) by posting a copy of the notice prominently at the principal office of the body holding the meeting or at the public building in which the meeting is to be held, or (2) by publishing the notice, once, in one newspaper of general circulation in the political subdivision where the meeting will be held.

(B) Public notice shall be given at least three days prior to the time of the first regularly scheduled meet-

ing in the case of regular meetings and at least twenty-four hours prior to the time of the meeting in the case of special or rescheduled meetings.

(C) Publication in the legal periodical of the county shall not be required. The body holding any meeting shall supply, on request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held and to any radio station which regularly broadcasts into the political subdivision.

Section 254. — *Penalty for violation.* Any member of a board who participates in any public meeting, knowing that it is being held or conducted in violation of the provisions of section 2 of this act, upon summary conviction thereof, shall be sentenced to pay a fine of not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) and costs of prosecution. (1957)

Pennsylvania: Records

TITLE 65: PUBLIC OFFICERS

CHAPTER 3: OFFICIAL DOCUMENTS, RECORDS, AND SEALS

Section 66.1. — *Definitions.* In this act the following terms shall have the following meanings:

(1) "Agency." Any department, board or commission of the executive branch of the Commonwealth, any political subdivision of the Commonwealth, the Pennsylvania Turnpike Commission, or any State or municipal authority or similar organization created by or pursuant to a statute which declares in substance that such organization performs or has for its purpose the performance of an essential governmental function.

(2) "Public Record." Any account, voucher or contract dealing with the receipt or disbursement of funds by an agency or its acquisition, use or disposal of services or of supplies, materials, equipment or other property and any minute, order or decision by an agency fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons: Provided, That the term "public records" shall not mean any report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation undertaken by an agency in the performance of its official duties or any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Commonwealth or any of its political subdivisions or commissions or State or municipal authorities of Federal funds, excepting therefrom however the record of any conviction for any criminal act.

Section 66.2. — *Examination and inspection.* Every public record of any agency shall at reasonable times, be open for examination and inspection by any citizen of the Commonwealth of Pennsylvania.

Section 66.3. — *Extracts, copies, photographs or photostats.* Any citizen of the Commonwealth of Pennsylvania, shall have the right to take extracts or make copies of public records and to make photographs or photostats of the same while such records are in the possession, custody and control of the lawful custodian thereof or his authorized deputy. The lawful custodian of such records

shall have the right to adopt and enforce reasonable rules governing the making of such extracts, copies, photographs or photostats.

Section 66.4. — *Appeal from denial of right.* Any citizen of the Commonwealth of Pennsylvania denied any right granted to him by section 2 or section 3 of this act, may appeal from such denial to the Court of Common Pleas of Dauphin County if an agency of the Commonwealth is involved, or to the court of common pleas of the appropriate judicial district if a political subdivision or any agency thereof is involved. If such court determines that such denial was not for just and proper cause under the terms of this act, it may enter such order for disclosure as it may deem proper. (1957)

Rhode Island: None

South Carolina: Records

(PROVIDES ONLY FOR RECORDS IN THE CUSTODY OF THE
STATE ARCHIVES COMMISSION)

TITLE 9: BOARDS AND COMMISSIONS
CHAPTER 1.1: ARCHIVES

Section 9-29. — *Availability and protection of records; copies.* The Commission shall cause all records committed to its custody for permanent preservation to be arranged and made available to the public, either in original form or copies, at reasonable times in the building assigned to it for the purpose. All restrictions on the use of confidential records imposed by law shall continue to apply. (1954)

South Dakota: Records

TITLE 48: OFFICES AND OFFICERS
TITLE 48.07: RECORDS AND REPORTS

Section 48.0701. — *Records open to inspection.* In every case where the keeping of a record or the preservation of a document or other instrument is required of an officer or public servant under the laws of this state, such record, document, or other instrument shall be kept available and open to inspection by any person during the business hours of the office or place where the same is kept.

This section shall not apply to any office where such records and files relate to criminal actions or matters, except where such actions or matters are completed, and then only at the discretion of the officer having such records and files in his office or under his control. This section shall not apply to such records as are specifically enjoined to be kept secret by the laws requiring them to be so kept. (1935)

South Dakota: Meetings

CHAPTER 269

Section 000. — Except as otherwise provided by law, the official meetings of the state and the political subdivisions thereof, including all related boards, commissions and other agencies, and the official meetings of boards, commissions and agencies created by statute or which are non-tax paying and derive a source of revenue directly from public funds, shall be open to the public, except as herein provided. Executive or closed meetings may be held for the sole purpose of considering student,

employee and personnel matters, however, any official action concerning such matters shall be made at an open official meeting. An executive or closed meeting shall be held only upon a majority vote of the members of such body present and voting. Nothing in this Act shall be construed to prevent an executive or closed meeting, when the Federal or State Constitution or the Federal or State Statutes require or permit it. (1965)

Tennessee: Records

TITLE 15: PUBLIC RECORDS

CHAPTER 3: MISCELLANEOUS PROVISIONS

Section 15-304. — *Records open to public inspection.* All state, county and municipal records shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any such citizen, unless otherwise provided by law or regulations made pursuant thereto.

Section 15-307. — *Right to make copies of public records.* In all cases where any person has the right to inspect any such public records, such person shall have the right to take extracts or make copies thereof, and to make photographs or photostats of the same while such records are in the possession, custody and control of the lawful custodian thereof, or his authorized deputy; provided, however, the lawful custodian of such records shall have the right to adopt and enforce reasonable rules governing the making of such extracts, copies, photographs or photostats. (1957)

CHAPTER 4: PUBLIC RECORDS COMMISSION

Section 15-406. — *"Record" defined.* For the purpose of this chapter the term "record" shall be construed to include books, papers, maps, photographs, microphotographs, or other documentary materials made, acquired, or received by any state office, department, division, board, bureau, commission, or other agency in the course of its official business. (1957)

CHAPTER 5: COUNTY PUBLIC RECORDS COMMISSION

Section 15-503. — *"Public records" defined.* Public records within the county shall be construed to mean all documents, papers, records, books and books of account in all county offices, including but not limited to the county clerk, the county register, the county trustee, the sheriff, the county assessor, the chairman of the county court, county commissioners, if any; the pleadings, documents, and other papers filed with the clerks of all courts including the courts of record, general sessions courts and courts of justices of the peace and the minute books and other records of all of said courts; the minutes and records of the county courts; all documents, papers, records, books of account and minutes of the governing body of any municipal corporation within said county, or of any office or department of such municipal corporation. (1959)

Texas: Meetings

(S.B. 94): An Act to prohibit governmental bodies from holding meetings which are closed to the public; defining the term "governmental body"; making certain exceptions; providing for relief by mandamus or injunction to prevent closed meetings; making unlawful certain acts pertaining to closed meetings and prescribing a penalty therefor; providing for severability; repealing all laws in conflict; and declaring an emergency.

Section 1. — (a) Except as otherwise provided in this Act, every regular, special, or called meeting or session of every governmental body shall be open to the public.

(b) A "governmental body," within the meaning of this Act, is any board, commission, department, or agency within the executive department of the state, which is under the direction of three or more elected or appointed members; and every Commissioners Court and city council in the state, and every deliberative body having rule-making or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city; and the board of trustees of every school district, and every county board of school trustees and county board of education; and the governing board of every special district heretofore or hereafter created by law.

Section 2. — (a) The provisions of this Act do not apply to: (1) deliberations during a meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee, unless such officer or employee requests a public hearing; (2) deliberations pertaining to the acquisition of additional real property; (3) deliberations on matters affecting security; or (4) any investigating committee of the Legislature.

(b) A governmental body may exclude any witness or witnesses from a hearing during examination of another witness in the matter being investigated.

(c) Nothing in this Act shall be construed to prevent a governing body from consulting with its attorney.

(d) Nothing in this Act shall be construed to affect the deliberations of grand juries.

(e) The provisions of this Act shall not apply to periodic conferences held among staff members of the governmental body. Such staff meetings will be only for the purpose of internal administration and no matters of public business or agency policies that affect public business will be acted upon.

Section 3. — Any interested person may commence an action either by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this Act by members of a governing body.

Section 4. — Any member of a governing body who wilfully calls or aids in calling or organizing a special or called meeting or session which is closed to the public, or who wilfully closes or aids in closing a regular meeting or session to the public, or who participates in a regular, special, or called meeting or session which is closed to the public without causing or attempting to cause his dissent to be entered in the record or minutes of the governing body, shall be guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$200 on the first offense, and shall be fined not less than \$100 nor more than \$500 on each subsequent offense.

Section 5. — If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 6. — All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Section 7. — The importance of assuring that the public has the opportunity to be informed concerning the transactions of public business creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended;

and that this Act take effect and be in force from and after its passage, and it is so enacted. (1967)

Texas: Records

TITLE 89: LIBRARY AND HISTORICAL COMMISSION
ARTICLE 5441a: RECORDS ADMINISTRATION DIVISION

Section 00.2. — For purposes of this article: "Public records" shall mean originals or copies of written or printed books, newspapers, magazines, documents, correspondence, papers, maps, drawings, charts, indexes, plans, memoranda, sound recordings, motion-picture or other photographic records, which are the property of any state department or institution.

"Department or institution" shall mean any state department, institution, board or commission, whether executive, educational, judicial or eleemosynary in character. (1947)

Utah: Meetings

TITLE 52: PUBLIC OFFICERS
CHAPTER 4: OPEN AND PUBLIC MEETINGS

Section 52-4-1. — *Declaration of public policy.* In enacting this chapter, the legislature finds and declares that the public commissions, boards, and councils, school boards, and boards of control of state universities and colleges, and the other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

Section 52-4-2. — *Meetings to be open and public; exceptions.* All meetings of legislative bodies or state or local agencies, including school boards and boards of control of state universities and colleges, shall be open and public, and all persons shall be permitted to attend any meeting of these bodies, except as otherwise provided in this chapter.

Section 52-4-3. — *Executive sessions from which public excluded; limitations on business transacted.* Nothing contained in this chapter shall be construed to prevent these legislative bodies, boards, and commissions from holding executive sessions from which the public is excluded, but no ordinances, resolutions, rules, regulations, contracts, or appointments shall be finally approved at such executive sessions.

Section 52-4-4. — *Violations constitute misdemeanor.* A violation of any of the provisions of this act or the wrongful exclusion of any person or persons from any meetings for which provision is herein made shall constitute and be punishable as a misdemeanor. (1953)

Utah: Records

TITLE 78: JUDICIAL CODE AND RULES OF CIVIL PROCEDURE
CHAPTER 26: PUBLIC AND PRIVATE WRITINGS

Section 78-26-1. — *Classes of public writings.* Public writings are divided into four classes: (1) laws; (2) judicial records (3) other official documents; (4) public records, kept in this state, of private writings, which such records may be made by handwriting, typewriting, or as a photostatic, microphotographic, photographic, or similar reproduction of such private writings.

Section 78-26-2. — *Right to inspect and copy.* Every citizen has a right to inspect and take a copy of any public

writing of this state except as otherwise expressly provided by statute.

Section 78-26-3. — *Officials to furnish certified copies.* Every public officer having the custody of a public writing which a citizen has the right to inspect is bound to give him, on demand, a certified copy of it, on payment of the legal fees thereof. (1943 as amended 1951)

✓ Vermont: Meetings

TITLE 1: GENERAL PROVISIONS

CHAPTER 5: COMMON LAW; GENERAL RIGHTS

SUBCHAPTER 2: PUBLIC INFORMATION

Section 311. — *Declaration of public policy.* In enacting this subchapter, the legislature finds and declares that public commissions, boards and councils and other public agencies in this state exist to aid in the conduct of the people's business and are accountable to them pursuant to Article VI of the Vermont constitution.

Section 312. — *Right to attend meetings of public agencies.* All meetings of the legislative bodies, or state, or local agencies, including town officers, shall be open and public, and all persons shall be permitted to attend any meetings of these bodies except as otherwise provided by law.

Section 313. — *Executive sessions; minutes.* Unless otherwise provided by charter, nothing contained herein shall be construed to prevent such legislative bodies, boards and commissions from holding executive sessions from which the public is excluded, but no ordinances, resolutions, rules, regulations, contracts or appointments shall be finally approved at such executive sessions. Such legislative bodies, boards and commissions shall keep minutes of the business transacted at each meeting which shall be made available to any freeman of this state upon request, unless the reputation or good name of a person, the security of the state, or a proposed contract is involved.

Section 314. — *Penalty.* A person who violates the provisions of this subchapter or participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be fined not more than \$500.00. (1957)

Virginia: Meetings and Records

CHAPTER 479, ACTS OF 1968: *An Act to require that meetings and official records of agencies, boards, commissions, etc., of the State and local governments, and certain public organizations, be open to the public; to provide for exceptions; to prescribe remedies; and to repeal acts in conflict.*

Section 1.1. — This act may be cited as "The Virginia Freedom of Information Act."

Section 1.2. — The following terms, whenever used or referred to in this act, shall have the following meanings, respectively, unless a different meaning clearly appears from the context:

(a) "Meeting" or "meetings" means the meetings, when sitting as a body or entity, of any authority, board, bureau, commission, district or agency of the State or of any political subdivision of the State, including cities, towns and counties; municipal councils, governing bodies of counties, school boards and planning commissions; and other organizations, corporations or agencies in the State, supported wholly or principally by public funds. Nothing in this act

shall be construed as to define a meeting as a chance meeting of two or more members of a public body.

(b) "Official records" means the records pertaining to completed actions or transactions which the groups, agencies or organizations, enumerated in subparagraph (a) of this section, are required by statute to keep and maintain.

(c) "Executive meeting" or "closed meeting" means a meeting from which the public is excluded.

(d) "Open meeting" or "public meeting" means a meeting at which the public may be present.

(e) "Public body" means any of the groups, agencies or organizations enumerated in subparagraph (a) of this section.

Section 1.3. — (a) Except as otherwise specifically provided by law, all official records shall be open to inspection and copying by any citizens of this State having a personal or legal interest in specified records during the regular office hours of the custodian of such records. Access to such records shall not be denied to any such citizen of this State, nor to representatives of newspapers published in this State, and representatives of radio and television stations located in this State.

(b) The following records are excluded from the provisions of this act: (1) Memoranda, correspondence, evidence and complaints related to criminal investigations, and reports submitted to the State Police in confidence. (2) Applications for licenses to the Alcoholic Beverage Control Board and records of investigations connected therewith. (3) State income tax returns, medical and mental records, scholastic records, welfare records, adoption records, illegitimate births and personnel records. (4) Memoranda, working papers and correspondence held by the Office of the Governor or the Mayor or other chief executive officer of any political subdivision of the State. (5) Memoranda, working papers and records compiled specifically for use in litigation and material furnished in confidence to said offices.

Section 1.4. — Except as otherwise specifically provided by law and except as provided in [1.5 and 1.6] of this act, all meetings shall be public meetings. Information as to the time and place of each meeting shall be furnished to any citizen of this State who requests such information.

Section 1.5. — (a) Executive or closed meetings may be held only for the following purposes: (1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, salaries, disciplining or resignation of public officers, appointees or employees of any public body. (2) Discussion or consideration of the condition, acquisition or use of real property for public purpose, or of the disposition of publicly held property. (3) The protection of the privacy of individuals in personal matters not related to public business. (4) Discussion concerning a prospective, business or industry where no previous announcement has been made of the business' or industry's interest in locating in the community. (5) The investing of public funds where competition or bargaining are involved, where if made public initially the financial interest of the governmental unit would be adversely affected. (6) Consultation with legal counsel pertaining to pending litigation, or legal matters within the jurisdiction of the public body, including legal documents, and briefings by staff members, consultants or attorneys. (7) Discussion of any matter which will be the topic of a public hearing prior to a final decision, provided that notice of every such public hearing shall be published generally in the community not less than ten days prior to such public hearing.

(b) No meeting shall become an executive or closed

meeting unless there shall have been recorded an affirmative vote to that effect by the public body holding such meeting.

(c) No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in an executive or closed meeting shall become effective unless such public body, following such meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion.

(d) Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives.

Section 1.6. — The provisions of this act shall not be applicable to deliberations of standing and other committees of the General Assembly, provided that when bills or other legislative measures are considered in executive or closed meetings of such committees, final votes thereon shall be taken in open meeting; unless such action is in conflict with the rules of the body of the General Assembly considering such bills or other legislative matters, under the provisions of Section 47 of the Constitution of Virginia; legislative interim study commissions and committees, including the Virginia Code Commission; the Virginia Advisory Legislative Council and its committees; study committees or commissions appointed by the Governor; meetings of committees of the State Board of Education and committees appointed by the State Board of Education which are held for the purpose of making recommendations to the State Board of Education; boards of visitors or trustees of State-supported institutions of higher education; parole boards; petit juries; grand juries; and study commissions or committees appointed by the governing bodies of counties, cities and towns, provided that no committee or commission appointed by such governing bodies, the membership of which consists wholly of members of such governing body, shall be deemed to be study commissions or committees under the provisions of this section.

Section 1.7. — Any person denied the rights and privileges conferred by this act may proceed to enforce such rights and privileges by petition for mandamus or injunction, supported by an affidavit showing good cause, addressed to the court of record, having jurisdiction of such matters, of the county or city in which such rights and privileges were so denied. Any such petition alleging such denial by a board, bureau, commission, authority, district or agency of the State government or by a standing or other committee of the General Assembly, shall be addressed to the Circuit Court of the City of Richmond. Such petition shall be heard within seven days of the date when the same is made; provided, if such petition is made outside of the regular terms of the circuit court of a county which is included in a judicial circuit with another county or counties, the hearing on such petition shall be given precedence on the docket of such court over all cases which are not otherwise given precedence by law.

Section 2.1. — All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3.1. — If any section, subsection, sentence, part or application of this act be held unconstitutional by a court of last resort, such holding shall not affect any other section, sentence, part or application which can be given effect without the part so held invalid. (1968)

Washington: Meetings

TITLE 42: PUBLIC OFFICERS AND AGENCIES CHAPTER 42.32: MEETINGS

Section 42.32.010. — *Rules, ordinances, etc., to be adopted at public meetings; notice.* No board, commission,

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agency or authority of the State of Washington, nor the governing board, commission, agency or authority of any political subdivision exercising legislative, regulatory or directive powers, shall adopt any ordinance, resolution, rule, regulation, order or directive, except in a meeting open to the public and then only at a meeting the date of which is fixed by law or rule, or at a meeting of which public notice has been given by notifying press, radio and television in the county and by such other means as may now or hereafter be provided by law; PROVIDED, That this act shall not apply to the legislature, the judiciary or to those regulatory orders of quasi-judicial bodies applicable only to named parties as distinguished from orders having general effect on the public or a class or group.

Section 42.32.020. — *Meetings declared public; executive sessions.* All meetings, regular and special, of any such board, commission, agency and authority are hereby declared to be public meetings, open to the public at all times: PROVIDED, That nothing contained in this act shall be construed to prevent any such board, commission, agency or authority from holding executive sessions, from which the public is excluded, for purposes other than the final adoption of an ordinance, resolution, rule, regulation, order or directive.

Section 42.32.030. — *Minutes.* The minutes of all regular and special meetings, except executive sessions, of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection. (1953)

Washington: Records

TITLE 40: PUBLIC DOCUMENTS, RECORDS AND PUBLICATIONS

CHAPTER 40.04: PUBLIC DOCUMENTS

Section 40.04.010. — *Definition.* The term "public documents" as used in this chapter shall include the publications and reports of all state officers, or of any commission or commissions, board or boards, council, committee or institution, or of any person or persons authorized or required by law to publish or render reports. (1941,

West Virginia: None

Wisconsin: Meetings

TITLE 3: GENERAL ORGANIZATION OF THE STATE EXCEPT THE JUDICIAL DEPARTMENT CHAPTER 14: STATE OFFICERS

Section 14.90. — *Open meetings of governmental bodies.* (1) In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of the state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental affairs and the transaction of governmental business.

(2) To implement and insure the public policy herein expressed, all meetings of all state and local governing and administrative bodies, boards, commissions, committees and agencies, including municipal and quasi-municipal corporations, unless otherwise expressly provided by law, shall be publicly held and open to all citizens at all times, except as hereinafter provided. No formal action

of any kind shall be introduced, deliberated upon or adopted at any closed executive session or closed meeting of any such body.

(3) Nothing herein contained shall prevent executive or closed sessions for purposes of:

(a) Deliberating after judicial or quasi-judicial trial or hearing;

(b) Considering employment, dismissal, promotion, demotion, compensation, licensing or discipline of any public employee or person licensed by a state board or commission or the investigation of charges against such person, unless an open meeting is requested by the employee or person charged, investigated or otherwise under discussion;

(c) Probation, parole, crime detection and prevention;

(d) Deliberating or negotiating on the purchasing of public property, the investing of public funds, or conducting other public business which for competitive or bargaining reasons require closed sessions;

(e) Financial, medical, social or personal histories and disciplinary data which may unduly damage reputations;

(f) Conferences between any local government or committee thereof, or administrative body, and its attorney concerning the legal rights and duties of such agency with regard to matters within its jurisdiction. (1959)

Wisconsin: Records

TITLE 3: ORGANIZATION OF STATE

CHAPTER 18: CUSTODY OF OFFICIAL PROPERTY AND PROCEEDINGS TO COMPEL THE DELIVERY THEREOF BY PUBLIC OFFICERS TO THEIR SUCCESSORS

Section 1. — *Custody and delivery of official property and records.*

(1) Each and every officer of the state, or of any county, town, city, village, school district, or other municipality or district is the legal custodian of and shall safely keep and preserve all property and things received from his predecessor or other persons and required by law to be filed, deposited or kept in his office, or which are in the lawful possession or control of himself or his deputies or to the possession or control of which he or they may be lawfully entitled, as such officers.

(2) Except as expressly provided otherwise, any person may with proper care, during office hours and subject to such orders or regulations as the custodian thereof may prescribe, examine or copy any of the property or things mentioned in subsection (1).

(3) (Deals with the delivery of records to one's successor.)

(4) Any person who violates any of the provisions of this section shall, in addition to any other liability or penalty, civil or criminal, forfeit not less than twenty-five nor more than two thousand dollars; such forfeiture to be enforced by a civil action on behalf of, and the proceeds to be paid into, the treasury of the state, municipality or district as the case may be. (1917)

TITLE 8: FUNCTIONS AND GOVERNMENT OF MUNICIPALITIES CHAPTER 59: COUNTIES

Section 59.14. — *Offices, where kept; when open.*

(1) Every sheriff, clerk of the circuit court, register of deeds, city treasurer, register of probate and county clerk shall keep his office at the county seat in the offices provided by the county or by special provision of law; or if there be none such, then at such place as the county board directs. The county board may also require any elective or appointive county official to keep his office at the county seat in an office to be provided by the county. All such officers shall keep such offices open during the usual business hours each day, Sundays and legal holidays excepted, and except that the county board of each county may permit said officers to close their offices on Saturday for such time as the county board may direct, and with proper care shall open to the examination of any person all books and papers required to be kept in his office and permit any person so examining to take notes and copies of such books, records or papers or minutes therefrom. (1849)

(2) If any such officer neglects or refuses to comply with any of the provisions of this section he shall forfeit five dollars for each day such noncompliance continues. Actions for the collection of such forfeiture may be brought upon the complaint of the district attorney of the proper county or of any person aggrieved by such refusal or neglect. (1878)

Section 59.71 — *Records where kept; public examination; rebinding; transcribing.* (1) The books, records, papers and accounts of the county board shall be deposited with the respective county clerks and shall be open without any charge to the examination of all persons. (1849)

TITLE 3: GENERAL ORGANIZATION OF THE STATE EXCEPT THE JUDICIAL DEPARTMENT

CHAPTER 16: DEPARTMENT OF ADMINISTRATION

Section 16.80. — *Records of state officers.* . . . (2) (a) Public records for the purposes of this section are defined as all records, documents, correspondence, original papers, files, manuscripts, or other materials bearing upon the activities and functions of the department or agency or its officers or employees.

Wyoming: Records

TITLE 9: ADMINISTRATION OF THE GOVERNMENT

CHAPTER 3: AGENCIES, BOARDS, COMMISSIONS AND DEPARTMENTS GENERALLY

ARTICLE 5: STATE LIBRARY AND ARCHIVES

DIVISION 5: PUBLIC RECORDS

Section 9-212-1. — *Definitions.* . . . (c) *Public records.* The term "public records" when not otherwise specified shall include any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map, drawing or other document, regardless of physical form, or characteristics, and including all copies thereof, that have been made by the State of Wyoming and any counties, municipalities, and political subdivisions thereof and by any agencies of the State of Wyoming, Counties, municipalities, and political subdivisions thereof, or received by them in connection with the transaction of public business. (1959)

THE AMERICAN UNIVERSITY

SIXTIETH COMMENCEMENT



MAY TWELFTH, NINETEEN SEVENTY-FOUR
THE UNIVERSITY CAMPUS
MASSACHUSETTS AND NEBRASKA AVENUES,
NORTHWEST
WASHINGTON, DISTRICT OF COLUMBIA

THE NAMES OF GRADUATES HAVE NOT BEEN
INCLUDED IN THIS COMMENCEMENT PROGRAM

The official Commencement Bulletin will be mailed to all graduates in June and will include the complete listing of names and appropriate honors.

The University regrets that it is impossible to prepare a totally accurate program in time for the Commencement Ceremonies because recording of grades and honors continues to the final hours before graduation.

This year, the University will award over 3,065 degrees. Of these, there are approximately 147 associate degrees, 1,630 bachelor's degrees, 953 master's degrees, 138 doctor's degrees, and 197 juris doctors.

COMMENCEMENT

1974

Commencement events begin at 9:00 a.m. with a Baccalaureate Service at the Abraham S. Kay Spiritual Life Center. This is the only University-wide program scheduled to include candidates for all degrees (both undergraduate and graduate), their guests, and members of the faculty. The remainder of the day is devoted to individual School and College Commencements, followed by informal receptions.

President George H. Williams, accompanied by University Provost Robert E. Cleary, Vice President for Academic Affairs Nathaniel S. Preston and Chairman-Elect of the University Senate Anthony C. Morella, will present special citations and confer degrees at each Commencement Ceremony.

Schedule of Commencements

Sunday, May 12, 1974

	PAGE
Lucy Webb Hayes School of Nursing.....10:30 a.m..... <i>Abraham S. Kay Spiritual Life Center, on campus</i>	4
Washington College of Law.....11:00 a.m..... <i>Washington Hebrew Congregation Massachusetts Avenue and Macomb Street, N.W.</i>	5
College of Arts and Sciences.....11:30 a.m..... <i>D.A.R. Constitution Hall 18th and D Streets, N.W.</i>	6-7
College of Continuing Education..... 1:00 p.m..... <i>Abraham S. Kay Spiritual Life Center, on campus</i>	8
School of Business Administration..... 1:30 p.m..... <i>Metropolitan Memorial United Methodist Church Nebraska and New Mexico Avenues, N.W.</i>	9
College of Public Affairs..... 2:00 p.m..... <i>Washington Hebrew Congregation Massachusetts Avenue and Macomb Street, N.W.</i>	10-11

LUCY WEBB HAYES SCHOOL OF NURSING

LAURA B. KUMMER, *Dean*
MILDRED N. RANDALL, *Marshal*
JILL NEISWENDER, *Organist*

PROGRAM

PRELUDE

PROCESSIONAL

(Audience will rise and remain standing through the Invocation.)

INVOCATION SANDRA KROTMAN, *Class of 1974*

WELCOME LAURA B. KUMMER, *Dean*

INTRODUCTIONS MILDRED N. RANDALL, *Marshal*

DR. GEORGE H. WILLIAMS, *President*

DR. ROBERT E. CLEARY, *Provost*

DR. NATHANIEL S. PRESTON, *Vice President for Academic Affairs*

DR. ANTHONY C. MORELLA, *Chairman-Elect of the University Senate*

CONFERRING OF DEGREES DR. GEORGE H. WILLIAMS, *President*

PRESENTATION OF DIPLOMAS LAURA B. KUMMER, *Dean*

PRESENTATION OF HONOR AWARDS LAURA B. KUMMER, *Dean*

Laura Reckman Scholarship—DIANNA KING BRANDON

Lucy Webb Hayes Scholarship—KAREN YERGALONIS

INTERLUDE JILL NEISWENDER

DEBRA DRAYER, *Accompanist*

ADDRESS LORETTA C. MILLER, R.N., M.A.

Director, Office of Special Services

Action/Peace Corps.

PRESENTATION OF PINS LAURA B. KUMMER, *Dean*

BENEDICTION DEBORAH DINERMAN, *Class of 1974*

RECESSIONAL

(Audience will remain standing)

An informal reception for the graduates and their faculty, families and friends will be held following Commencement exercises in the School of International Service Lounge.

WASHINGTON COLLEGE OF LAW

GORDON A. CHRISTENSON, *Dean*

BARNARD T. WELSH, *Marshal*

HERMAN BERLINSKI, *Organist*

PROGRAM

PRELUDE "Suite from The Water Music"
G. F. Handel

PROCESSIONAL "The Prince of Denmark March"
Jeremiah Clark
(Audience will rise and remain standing through the Invocation.)

INVOCATION PROFESSOR A. ALLEN KING

WELCOME DR. GORDON A. CHRISTENSON, *Dean*

INTRODUCTIONS PROFESSOR BARNARD T. WELSH, *Marshal*
DR. GEORGE H. WILLIAMS, *President*
DR. ROBERT E. CLEARY, *Provost*
DR. NATHANIEL S. PRESTON, *Vice President for Academic Affairs*
DR. ANTHONY C. MORELLA, *Chairman-Elect of the University Senate*

CONFERRING OF DEGREES DR. GEORGE H. WILLIAMS, *President*

INTRODUCTION OF SPEAKER PROFESSOR ANTHONY C. MORELLA

ADDRESS THE HONORABLE JOHN J. SIRICA
U. S. District Court Judge, District of Columbia

PRESENTATION OF CANDIDATES PROFESSOR D. BARLOW BURKE

PRESENTATION OF DIPLOMAS AND AWARDS ... DR. GORDON A. CHRISTENSON, *Dean*
MRS. EMALEE C. GODSEY, *Associate University Registrar*

BENEDICTION PROFESSOR JONATHAN S. COHEN

RECESSIONAL "Psalm 20"
Marcello

(Audience will remain standing)

An informal reception for the graduates and their faculty, families and friends will be held following the Commencement in the Ward Circle Building Lobby.

COLLEGE OF ARTS AND SCIENCES

HARVEY C. MOORE, *Acting Dean*

VADIM MEDISH, *Marshal*

PROGRAM

CONCERTThe American University Brass Ensemble
STEVE HOWARD, *Conductor*

PROCESSIONAL

(Audience will rise and remain standing through the Invocation.)

INVOCATIONTHE REVEREND R. BRUCE POYNTER
University Chaplain

WELCOMEDR. HARVEY C. MOORE, *Acting Dean*

ADDRESSMR. JULIUS HOBSON
Civic Leader

INTRODUCTIONSDR. VADIM MEDISH, *Marshal*

DR. GEORGE H. WILLIAMS, *President*

DR. ROBERT E. CLEARY, *Provost*

DR. NATHANIEL S. PRESTON, *Vice President for Academic Affairs*

DR. ANTHONY C. MORELLA, *Chairman-Elect of the University Senate*

PRESENTATION OF CITATIONSDR. GEORGE H. WILLIAMS, *President*

Miss Irene W. Eno

Professor Emerita of Art

Dr. Dorothy D. Gondos

Professor Emerita of History

Mrs. Frances H. King

Professor Emerita of Literature

Mr. James L. McLain

Professor Emeritus of Music

Dr. Hugo J. Mueller

Professor Emeritus of Language and Foreign Studies

Dr. John H. Smith

Professor Emeritus of Mathematics and Statistics

Mr. Boris Filipoff

Associate Professor of Language and Foreign Studies

Recognition of Service Award

Mr. Rafael Supervia

Professor of Language and Foreign Studies

Recognition of Service Award

CONFERRING OF DEGREESDR. GEORGE H. WILLIAMS, *President*

RECOGNITION OF UNDERGRADUATE

DEGREESMISS RUTH E. McFEETER, *Associate Dean*
MR. ROBERT GEBHARDTSBAUER, *University Registrar*

RECOGNITION OF GRADUATE

DEGREESMISS RUTH E. McFEETER, *Associate Dean*
DR. DONALD TRIEZENBERG, *Assistant Dean*
MR. ROBERT GEBHARDTSBAUER, *University Registrar*

ADDRESSMR. BRIAN E. FOSS, *Past President, Student Confederation*
"The Search for Meaning"

ANNOUNCEMENT OF SPECIAL AWARDS.....DR. HARVEY C. MOORE, *Acting Dean*

ALUMNI RECOGNITION AWARDSROLAND RICE, *Trustee*
Phyllis Peterson
John H. Williams

DISTINGUISHED FACULTY WOMAN AWARDMISS SHIRA LYNN ROSEN
Dorothy D. Gondos
Mortar Board President

COLLEGE OF ARTS AND SCIENCES ACADEMIC

EXCELLENCE AWARDSMISS RUTH E. McFEETER, *Associate Dean*

THE FLETCHER SCHOLARDR. DONALD TRIEZENBERG
Mary Anne Armstrong
Assistant Dean

BRUCE HUGHES UNIVERSITY AWARDDR. HARVEY C. MOORE, *Acting Dean*
Robert J. Suphan, Jr.

STAFFORD H. CASSELL AWARDMISS RUTH E. McFEETER
Edward Paul Bell
Associate Dean

BENEDICTIONTHE REVEREND R. BRUCE POYNTER
University Chaplain

RECESSIONAL

(Audience will remain standing)

Graduates, their families and friends, faculty and staff are cordially invited to the College of Arts and Sciences reception following the ceremony, Terrace Dining Room, Mary Graydon Center.

COLLEGE OF CONTINUING EDUCATION

DR. NATHAN BRODSKY, *Dean*
MICHAEL J. ORLANDO, *Assistant Dean, Marshal*
MICHAEL HOWE, *Organist*

PROGRAM

PRELUDE	“Chaconne” <i>Louis Couperin</i> “Intermezzo III” <i>Herman Schroder</i>
PROCESSIONAL	“Trumpet Voluntary in D Major” <i>Henry Purcell</i> (Audience will rise and remain standing through the Invocation.)
INVOCATION	THE REVEREND JOE S. RAINEY <i>Coordinator of Religious Affairs</i>
WELCOME	DR. NATHAN BRODSKY, <i>Dean</i>
ADDRESS	DR. JAMES F. NICKERSON, <i>Director</i> <i>Four Year Servicemen’s Opportunity</i> <i>College; Professor and Former</i> <i>President of Mankato State College,</i> <i>Mankato, Minnesota</i>
INTRODUCTIONS	ASSISTANT DEAN MICHAEL J. ORLANDO, <i>Marshal</i> DR. GEORGE H. WILLIAMS, <i>President</i> DR. ROBERT E. CLEARY, <i>Provost</i> DR. NATHANIEL S. PRESTON, <i>Vice President for Academic Affairs</i> DR. ANTHONY C. MORELLA, <i>Chairman-Elect of the University Senate</i>
CONFERRING OF DEGREES	DR. GEORGE H. WILLIAMS, <i>President</i>
PRESENTATION OF DIPLOMAS	DR. NATHAN BRODSKY, <i>Dean</i>
BENEDICTION	THE REVEREND JOE S. RAINEY <i>Coordinator of Religious Affairs</i>
RECESSIONAL	“Toccata” for the Fifth Symphony <i>Charles Marie Widor</i> (Audience will remain standing)

An informal reception for the graduates, their families and their faculty, will be held following the Commencement on the Lower Level of the Kay Spiritual Life Center.

SCHOOL OF BUSINESS ADMINISTRATION

DR. ARTHUR E. WARNER, *Dean*

DR. EDWARD R. LEHMAN, *Marshal*

PROGRAM

PRELUDEGEOFFREY SIMON, *Organist*
Professor of Music, The American University

PROCESSIONAL

(Audience will rise and remain standing through the Invocation.)

THE NATIONAL ANTHEM

INVOCATIONTHE REVEREND WILLIAM E. MCGREW
Assistant, St. Paul's Parish, Washington, D.C.

INTRODUCTION OF THE SPEAKERDR. ARTHUR E. WARNER, *Dean*

ADDRESSMR. DONALD T. REGAN, *Chairman,*
Merrill Lynch, Pierce, Fenner & Smith

INTRODUCTIONSDR. EDWARD R. LEHMAN, *Marshal*
DR. GEORGE H. WILLIAMS, *President*
DR. ROBERT E. CLEARY, *Provost*
DR. NATHANIEL S. PRESTON, *Vice President for Academic Affairs*
DR. ANTHONY C. MORELLA, *Chairman-Elect of the University Senate*

CONFERRING OF DEGREESDR. GEORGE H. WILLIAMS, *President*

PRESENTATION OF DIPLOMASDR. ARTHUR E. WARNER, *Dean*
MR. PERCY JONES, *Assistant Dean*
MR. FRANCIS J. GIRARD, *Assistant Dean*

PRESENTATION OF ALUMNI ASSOCIATION

RECOGNITION AWARDDR. ARTHUR E. WARNER, *Dean*
Denver Haymond, Class of 1963

PRESENTATION OF AWARDSDR. ARTHUR E. WARNER, *Dean*

The Charles E. Merrill Fellow Award: JAMES J. REILLY, JR.

The C. C. Glover Award: ANDREW A. JUSTER

The GEICO and Affiliates Achievement Awards:

Managerial Analysis: DIANE FEINBERG RABBEN

Financial Management: AUSTIN L. CAZABON

Marketing: ALVIN J. WYNRIB

Personnel Management: BRIAN O'DONNELL

BENEDICTIONTHE REVEREND WILLIAM E. MCGREW
Assistant, St. Paul's Parish, Washington, D.C.

RECESSIONAL

(Audience will remain standing)

An informal reception for the graduates and their faculty, families and friends will be held following the Commencement exercises in the Faculty Dining Room and Lounge, Mary Graydon Center.

COLLEGE OF PUBLIC AFFAIRS

MORRIS W. H. COLLINS, JR.
Dean, College of Public Affairs

DAVID J. SAARI
Director, Center for the Administration of Justice

RICHARD A. BASSLER
Acting Director, Center for Technology and Administration

A. LEE FRITSCHLER
Dean, School of Government and Public Administration

ROBERT W. GREGG
Dean, School of International Service

RICHARD A. BASSLER, *Marshal*

HERMAN BERLINSKI, *Organist*

PROGRAM

PRELUDE "Chorale-Prelude"
Julius Drossin

PROCESSIONAL "Processional"
Julius Drossin
(Audience will rise and remain standing through the Invocation.)

INVOCATION EARL G. HUNT, JR.
Resident Bishop, Charlotte, N.C. Area,
The United Methodist Church

INTRODUCTION OF THE DEAN OF THE
COLLEGE OF PUBLIC AFFAIRS THOMAS L. TRUMBLE
Graduate Student Member, Commencement Committee
Class of 1974

WELCOME DR. MORRIS W. H. COLLINS, JR., *Dean*

INTRODUCTION OF THE SPEAKER DOUGLAS M. CUTLER, *Class of 1974*

ADDRESS THE HONORABLE LOWELL P. WEICKER, JR.
United States Senate

INTRODUCTIONS PROFESSOR RICHARD A. BASSLER, *Marshal*
DR. GEORGE H. WILLIAMS, *President*
DR. ROBERT E. CLEARY, *Provost*
DR. NATHANIEL S. PRESTON, *Vice President for Academic Affairs*
DR. ANTHONY C. MORELLA, *Chairman-Elect of the University Senate*

PRESENTATION OF CITATIONSDR. GEORGE H. WILLIAMS, *President*
DR. MARIAN D. IRISH, *Professor Emerita of International Service*
PROF. MICHAEL F. M. LINDSAY, *Professor Emeritus of International Service*
DR. SAMUEL L. SHARP, *University Professor Emeritus of International Service*

CONFERRING OF DEGREESDR. GEORGE H. WILLIAMS, *President*

ANNOUNCEMENT OF UNIVERSITY AWARDS. .DR. MORRIS W. H. COLLINS, JR., *Dean*
KINSMAN-HURST AWARD:

Terry L. Sharp, *School of Government and Public Administration*

FACULTY WOMEN'S CLUB AWARD:

Elizabeth Anthony, *School of International Service*

CATHERYN SECKLER-HUDSON AWARD:

Dennis W. Frado, *School of International Service*

PRESENTATION OF DIPLOMAS

Center for the Administration of JusticeDR. DAVID J. SAARI, *Director*

Center for Technology and Administration.....PROFESSOR RICHARD A. BASSLER
Acting Director

School of Government and Public AdministrationDR. A. LEE FRITSCHLER, *Dean*

School of International ServiceDR. ROBERT W. GREGG, *Dean*

ANNOUNCEMENT OF SCHOOL OF INTERNATIONAL

SERVICE AWARDSDR. ROBERT W. GREGG

Frank Willis Scotton Award: CHARLE ANN EHRET

Outstanding Senior in International Studies: JEFFREY T. BROWNE

Outstanding Senior in Area Studies: MARGOT K. MEEKS

PRESENTATION OF DISTINGUISHED

FACULTY WOMEN'S AWARDSHIRA LYNN ROSEN

President, Mortar Board

DR. MARTHA SAGER, *Professor, Center for Technology and Administration*

BENEDICTIONLEE MCGEE, *Chaplain*

RECESSIONAL "Recessional"
Julius Drossin

(Audience will remain standing)

The music was especially composed for this commencement by the father of one of our graduates, Laurie Drossin. Dr. Julius Drossin is Chairman of the Music Department, Cleveland State University.

An informal reception for the graduates and their faculty, families and friends will be held following commencement exercises at the following locations:

CAJHughes-McDowell Connecting Lounge
CTAAbraham S. Kay Spiritual Life Center Lounge
SGPAWard Circle Building Lobby
SISSchool of International Service Lounge

UNIVERSITY AWARDS

KINSMAN-HURST AWARD

TERRY L. SHARP

School of Government and Public Administration

The Kinsman-Hurst Award is presented to the senior who has made the greatest contribution to the University in a four-year period. The recipient must have maintained a high scholastic record while serving the University through the Student Government or the judicial system, as well as in many other ways.

BRUCE HUGHES AWARD

ROBERT J. SUPHAN, JR.

College of Arts and Sciences

The Bruce Hughes Award, which includes the sum of \$100 provided by a fund bequeathed by the Reverend Bruce Hughes, is presented to a senior for outstanding meritorious service to the University Community. The recipient must demonstrate unusual depth and maturity of leadership abilities.

THE FLETCHER SCHOLAR

MARY ANNE ARMSTRONG

College of Arts and Sciences

The Fletcher Scholar is presented to the graduating senior in recognition of integrity and selflessness in citizenship and for academic achievement.

THE C. C. GLOVER AWARD

ANDREW A. JUSTER

School of Business Administration

The C. C. Glover Award is presented to the senior who combines citizenship and business leadership while serving the University Community.

FACULTY WOMEN'S AWARD

ELIZABETH ANTHONY

School of International Service

The Faculty Women's Club Award is presented to the senior woman who has made outstanding contributions to the University.

CATHERYN SECKLER-HUDSON AWARD

DENNIS FRADO

School of International Service

The Catheryn Seckler-Hudson Award is presented to the senior exhibiting exemplary qualities of character and achievement while making significant contributions to the student government.

STAFFORD H. CASSELL AWARD

EDWARD P. BELL

College of Arts and Sciences

The Stafford H. Cassell Award is presented to the senior who best exemplifies the traits of Staff Cassell—total selfless dedication to the University, profound energy, reliability, as well as intellectual curiosity, friendliness and helpfulness.

GEICO AND AFFILIATES ACHIEVEMENT AWARD

Awarded annually to graduates majoring in communications, financial management, personnel management, managerial analysis and marketing; achieved a "B" or better average in the major; and have made valuable contributions to such major fields of study as well as to the campus community.

1973-1974 Awards

Communications—GEORGE A. GILLIS, III
Financial Management—AUSTIN L. CAZABON
Personnel Management—BRIAN O'DONNELL
Managerial Analysis—DIANE F. RABBEN
Marketing—ALVIN J. WYNRIB

THE AMERICAN UNIVERSITY MEMBERS OF WHO'S WHO AMONG STUDENTS IN AMERICAN UNIVERSITIES AND COLLEGES 1973-1974

Students who have made significant contribution to the University through participation and leadership in academic and extracurricular activities, scholarship and citizenship, are selected annually.

BETSY L. ANDERSON
MARY A. ARMSTRONG
JAMES R. BAKER
EDWARD P. BELL
PATRICE L. CASEY
ANDREA COLLINS
LIBBY JO DUBICK
GARY D. EDELMAN
CHARLE ANN EHRET
LUTHER A. FORREST, III
BRIAN E. FOSS
DENNIS FRADO
ELLEN E. FUHRER

MARK E. GOLDHABER
JANIE L. GORDON
CALVIN L. HACKEMAN
NANCY A. HARRELL
BERTRAM W. HOLMAN
ANDREW A. JUSTER
DENISE G. LAMOT
RICHARD I. LANDESBURG
DAVID B. LEMMOND
HINDE PAULA LEVY
GEORGE O. LINKLETTER
SHELLEY K. LIPTON
MICHAEL P. MENCHEL

MARY R. MONOHON
GAIL E. MUTNIK
PHOEBE J. ROCKWELL
SHIRA ROSEN
MARC ROSENBERG
MARY SEEHAFFER
TERRY L. SHARP
ROBERT D. SOKOLOVE
ROBERT J. SUPHAN, JR.
CYNTHIA L. WESSEN
RUSSELL WILLIAMS, JR.
KAREN A. YERGAONIS
SUSAN ZIRINSKY

ACADEMIC REGALIA

Originally, academic costumes were those worn by members of the religious orders which established most of the early universities. They consisted of the customary clerical robe and a hood (which actually served as that). There was a general similarity in these costumes, but different orders frequently modified their gowns and hoods and some officials also wore insignia or other adornments which identified their positions.

When universities achieved identity as educational institutions rather than as extensions of the activities in which religious orders engaged, the design and the symbolism of their regalia began to change. Universities in Europe (and in overseas areas culturally tied to Europe) developed colorful gowns and caps, and the hood became a designator of degrees instead of a piece of headgear.

Institutions in the United States were, until recent years, rather conservative in the matter of academic garb. This was true, in part at least, because the doctor's degree did not play a significant role in American higher education until late in the 19th century, and it was on the embellishment of the doctor's accoutrements that designers had concentrated their attention. Tendencies in the other direction, which began to manifest themselves, were also checked temporarily when a conference of institutions in 1895 agreed that the basic academic garb should be a black robe and cap, to which was added a hood designed to indicate the wearer's degree and the institution from which it was received.

During the past two decades, an increasing number of American institutions have adopted gowns and caps which incorporate their official colors. The pace of this change was accelerated when Harvard University introduced its crimson doctoral gown. Harvard had previously been most inconspicuous in this respect. The hoods for all its degrees had been almost the same, and it did not even authorize the use of gold tassels on doctors' caps. The impact of the new crimson gown on observers of academic processions throughout the nation was such that other institutions felt challenged to match its resplendence. While embellishments were first limited to the doctor's attire, there is currently a trend toward the use of colored gowns and caps for bachelor's and master's degree recipients as well.

Participants in academic ceremonies normally wear the academic regalia to which they are entitled by virtue of the degrees they hold. Members of boards of trustees may wear doctoral gowns, but the hoods must be appropriate to the degrees they actually hold.

The field of study in which a degree was earned is identified in accordance with a standard code of colors. These colors are used as the edging of hoods for all degrees and they may also be used as a part of the decoration of doctor's gowns and are sometimes also used for tassels on caps. The standard color code is as follows:

Agriculture	Maize
Arts, Letters, Humanities	White
Commerce, Accountancy, Business	Drab
Dentistry	Lilac
Economics	Copper
Education	Light Blue
Engineering	Orange
Fine Arts, including Architecture	Brown
Forestry	Russet
Journalism	Crimson
Law	Purple
Library Science	Lemon
Medicine	Green
Music	Pink
Nursing	Apricot
Oratory (Speech)	Silver Gray
Pharmacy	Olive Green
Philosophy	Dark Blue
Physical Education	Sage Green
Public Administration, including	
Foreign Service	Peacock Blue
Public Health	Salmon Pink
Science	Golden Yellow
Social Work	Citron
Theology	Scarlet
Veterinary Science	Gray

THE MACE

THE MACE, carried by Chairman-Elect of the University Senate Anthony C. Morella, was a gift of the Class of 1953 and since that date has been in use at all Commencement Ceremonies and Convocations. Today, at the individual Commencement Exercises, the entry of the Mace heralds the arrival of the President and the Provost to confer degrees and present special citations.

The original, hand-made Mace is kept in the University Archives.

THE MYTH OF FREE ENTERPRISE AND THE NEED FOR REGULATION
IN AMERICAN INDUSTRY

I am pleased to have the opportunity to speak to the graduating class of The American University in 1974. I thought I would take a look at the need for regulations especially as it affects the electric power industry, since energy is one of the crises in which we find ourselves. I am pleased to bring you the following thoughts on the subject knowing that this class of young people are going out to help to institute the kind of programs which are needed to regulate and guide our economic lives.

In spite of the pronouncements of the fathers of laissez-faire capitalism (Thomas Aquinas, Adam Smith, David Ricardo, et al.), it has become increasingly apparent that the abusive practices of the free enterprise system clearly herald the need for regulation, centralized control, and indeed, socialization.

If the invisible hand and Jesus Christ (natural rights, natural order, the play of the market place, supply and demand) have ever been the prevailing and guiding forces in secular enterprise, they are not now so in the United States. There is not a single fifty million dollar corporation in this country selling even chewing gum that does not eat at the public trough and enjoy subsidization in the forms of depreciation allowances, tax amortization, and other Federal, state and local government subsidies which come directly from the pockets of the consumers.

Typical of these so-called free enterprise industries that enjoy a form of private socialism is the electric power industry, more specifically described as "private utilities and public utilities." These electric utility companies are primarily regulated by manipulatable state commissions staffed by individuals whose entrepreneurial mentalities always lead them to decisions, regulations, and opinions which redound to the benefit, not of the consumers that they are designated to serve, but to the utility companies they are supposed to regulate. The federal regulatory agency, the Federal Power Commission, practices this deception on a grand scale, skillfully crying helplessness in its failure to regulate the electric power industry (too few personnel, too little money). This is hard to believe when we know that the Federal Government of the United States massively tries to quell a revolution in Southeast Asia, unseated a popular government in Cambodia, removed a duly elected government in Guatemala, and openly supported the persecution of an overwhelmingly popular elected government in East Pakistan.

The antisocial actions of the electric power industry in this country attest to the moral decadence and social irresponsibility of a federal government that fails to give priority to the interests of the consumer. Data published by the Federal Power Commission dealing with tax benefits to utility companies show that these companies enjoy equal status with the Internal Revenue Service in term of collections.

According to experts in the area of electric power, each year a few employers illegally keep taxes which they have deducted from employee pay checks for income, social security, and unemployment. These tax collections which are passed on directly to the consumer under something called a cost plus formula, are kept and not reduced when taxes go down. The collections amount to approximately 64 percent of the total amount of money spent by the United States Government in the area of public assistance each year. This is a startling contrast when one considers that there are millions of individuals who need public assistance and only a few hundred power companies who enjoy these huge illegal benefits.

The data show that there is not a single public or private utility company in these United States that does not practice job discrimination against blacks, women, Mexican-Americans, or Indians. The whole industry was recently the subject of inquiry by the U. S. Equal Employment Opportunity Commission. The industry as a whole refuses to cooperate with the puny efforts of EEOC to deal with this outrage. Companies are, in effect, collecting taxes from minority groups and women and with these taxes creating jobs which are then denied them as minority groups and women because of their race, national origin, and sex.

One of the questions often raised is, "How can the needs of people on low fixed incomes for electricity or other utility services be included in the short and long term goals of the utility industry?" First off, I disagree with the premise of the question. The needs of the majority of the people in this country should not be subject to the long term, short term, or immediate goals of any industry. The question should be the other way around, namely, "How can the utility industries be operated in such a fashion as to serve the needs of all the consumers in the United States, regardless of their income levels?" In other words, I do not accept the proposition that what is good for utility companies is good for the United States.

Poor people in general in this country and black people in particular have never enjoyed the fruits of this so-called private enterprise system. There is indeed a serious unanswered question as to whether or not giant industries such as the electric power industry can, within the prevailing economic and political framework, be required to and run on behalf of the people. What assumes prominence today in regard to regulating the electric power industry in one case and all industry in general is a state of confusion. It appears on the surface to an outsider that double-dealing dishonesty and ineffectiveness reign supreme at the levels of state and federal regulatory agencies.

We live in a society with an archaic concept of competition, in which we theoretically throw 100 loaves of bread in the middle of the floor over which we fight. Some people end up with 10 loaves some with two, and some with none. We carry this myth forward by designating the owners of 10 loaves as enterprising, industrious, businesslike individuals; those with two loaves we call middle class, petit bourgeoisie; and those with no loaves we label as lazy, slothful, sleepy-headed welfare recipients. If the participants in this game of competition were allowed to start off with equal access, equal protection, and equal opportunity, then something might be said for it, but, in reality, the game is played with the same set of rules for blind men, oppressed blacks, and denigrated women, as well as for those wealthy, opportuned white Anglo-saxon Protestants who end up with 10 loaves.

The population of the United States today has passed the two hundred million mark. On the other hand, the resources of this country are approaching depletion. We cannot continue to survive if we continue the practice of exploitation of these resources on behalf of the few.

The solution to the problem caused by electric power and other industries in this nation is nationalization and complete control by the people who use them. We need to create a society in which the mal-distribution of wealth can no longer exist. We have to live

under a set of conditions that will allow no man to starve or suffer for lack of medical attention. The nature of the free enterprise system is such that it renders our work ethic obsolete. In this real society, we have maldistribution of income, economic class formation, increasing efficiency, and a declining number of jobs, thus, a growing reserve army of the unemployed who are hard pressed to buy electrical power or even food.

As a college teacher, I am happy that I come in contact every day with younger people who are in growing numbers beginning to examine and turn off the traditional myths. The watchwords among the young are social accountability, community control, equitable and fair distribution of resources, and effective protection for citizens and consumers. The blacks in this country, who have never enjoyed one minute of total democracy, who have never been free, and who are not a part of the economic inner circles, have no choice but to oppose the free enterprise system as it manifests itself. It is indeed for them a question of survival.

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA
PRESIDENTIAL BUILDING
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EVIE M. WASHINGTON
GERTRUDE L. WILLIAMSON
EXECUTIVE SECRETARY

December 15, 1971

Board of Education
of the District of Columbia

Ladies and Gentlemen:

The Budget Committee met on December 13, 1971 with the Superintendent and members of his staff to discuss the FY 1973 Operating Budget, and the suggestions embodied in my memorandum of December 10, 1971, a copy of which is attached. There were six Board members present: Reverend Coates, Mrs. Alexander, Mr. Rosenfield, Mr. Roots, Mr. Cassell and Mr. Tirana. Mrs. Mason, a member-elect, was also present to observe.

Upon the recommendation of the Superintendent, and by a vote of 5 to 1 of the members present (Mr. Rosenfield dissenting), the Budget Committee recommends that the Board adopt the following procedure for handling the FY 1973 Operating Budget:

1. The Superintendent shall prepare as soon as the FY 1972 Appropriations Act is passed by the Congress a budget comprised solely of the following elements:
 - a. FY 1972 base.
 - b. Mandatory increases estimated for FY 1973.
 - c. Alternative III for Special Education as set forth in the draft budget submitted by the Superintendent to the Budget Committee on December 6, 1971.
2. A public hearing will be authorized and conducted by the Budget Committee in early January for the purpose of receiving public comment and recommendations for the FY 1973 Budget as to the procedure recommended herein and as to the budget estimates for the various programs and services.

If the actual FY 1972 appropriation is timely received, the Superintendent shall give a briefing substantially in advance of the public hearing.

3. The overriding public concern in the handling of the FY 1973 Budget is that (a) actual expenditures for FY 1973 be controlled by the programs in the schools, and (b) the students, parents, teachers and principals for each school shall have the maximum opportunity to ensure that expenditures are tailored within overall funding and legal limitations to meet the needs of the students, rather than having the activities of the students limited by an arbitrary budget fixed months before the school year begins.
4. In order to prepare school-by-school budgets, which reflect both regular operating and Federal Funds available at the local school level, a massive reorganization of the public school budgeting and expenditures process will be required.
5. The Budget Committee would meet after the public hearing to consider public comment and then if required recommend modifications in the Budget procedure as herein set forth. At the same time, the Budget Committee will consider specific proposals by and retention of consultants for the FY 1973 Budget.
6. Unless there are requirements for significant change in the treatment of the preparation of the initial Budget as set forth in paragraph one above, the Board will approve that Budget at its January, 1972 meeting. In its cover letter of transmittal, the Board will advise the Mayor, the City Council, the President and both Houses of Congress, that it has not had an opportunity to review estimated expenditures with the community, parents, teachers, and students in order to improve the impact of expenditures. The transmittal letter will advise that changes will occur as planning for the new school year continues over the course of the winter and early spring, but that all parties will be kept periodically informed of the Board actions as they affect the FY 1973 Budget in accordance with the reprogramming or redirection guidelines established by the Senate and House of Representatives.
7. The Superintendent will develop specific recommendations to maximize budgeting under the equitable allocation on a school-by-school basis by each local school to include principals, teachers, parents and students. The Budget Committee will then hold public hearings prior to the Board's February 1972 meeting to receive public comment on the recommended procedure. The procedure would be finally approved by the Board at its February, 1972 meeting.
8. March and April would be devoted to establishing the actual allotments, and communicating them to individual schools and receiving and tabulating the responses from the individual schools.

9. During May, a final 1972 Budget combining both regular operating and Federal funds, and reflecting the priorities as established on a school-by-school basis will be prepared, approved by the Board, and submitted to the Mayor, City Council, President and both Houses of Congress. The level of funding requested will be identical to that embodied in the Budget request submitted in January, 1972.
10. Teacher and other school-based employees will be notified prior to the end of the spring term of their assignment for September, 1972 made in accordance with the revised Budget.

The rationale for the foregoing recommendation is more fully set forth in my memorandum of December 10th.

Mr. Rosenfield, the only dissenter at the Budget Committee meeting on December 13, is supportive of the concept of school-by-school budgeting. (See Mr. Rosenfield's proposal, exhibit G to my memorandum of December 10.) However, Mr. Rosenfield felt that the Board should not attempt to work out a formula for determining the level of funding for the FY 1973 Budget request as set forth in paragraph one above. Mr. Rosenfield was of the opinion, instead, that the Board should delay the determination of the FY 1973 level of funding until the Mayor has advised the Board of (1) his estimate of total revenue available to the District of Columbia in FY 1973, and (2) his suggestion as to appropriate FY 1973 level of funding for the public schools.

The Budget Committee recommends approval of the foregoing. This recommendation has been reviewed with, and receives the concurrence of the Superintendent.

Respectfully submitted,

Chairman

Committee on Budget

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA
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CHAIRMAN
COMMITTEE ON RULES AND
ADMINISTRATION

MEMBER
COMMITTEE ON STUDENT
ACTIVITIES

BARDYL R. TIRANA
MEMBER OF BOARD
AT LARGE

December 10, 1971

Memorandum to All Members and
Members-elect of the Board of Education:

This memorandum is to give notice of a meeting of the Budget Committee to be held at noon in the Superintendent's Conference Room on Monday, December 13, 1971. I strongly urge as many members and members-elect to attend as possible, in view of the need of the Budget Committee to make a recommendation as to the handling of the FY 1973 Budget to the full Board at the regular stated meeting on December 15, 1971.

A recitation of the painful facts surrounding the 1973 Budget process is required:

- a. The Board received from the Superintendent on December 6, 1971, a tentative FY 1973 draft budget. This document, however, does not constitute the Superintendent's recommended budget.
- b. The Board does not yet have the Superintendent's recommended FY 1973 budget.
- c. The Congress has not yet passed a FY 1972 Appropriations Act, and the Board does not know what its FY 1972 base budget will be. (The Board, however, can expect an Appropriations Act for the District of Columbia fixing the FY 1972 base before the end of December.)
- d. The Superintendent has requested the Board by December 15, 1971 to determine a minimum level of funding for the FY 1973 budget request, and also the form in which the Board's FY 1973 budget will be presented.
- e. The Superintendent has advised that the Board will be expected to transmit its FY 1973 budget request to the Mayor during January 1972.

- f. The draft FY 1973 budget submitted on December 6, 1971 was prepared on the basis of the FY 1972 budget of \$146,000,000 as submitted by the President to the House of Representatives in June, 1971. Mandatory increases over which the Board has no control such as salary increases and other fixed expenses are estimated for FY 1973 at \$7,000,000 dollars. Accordingly, simply to maintain parity with the FY 1972 budget as submitted by the President with no increased or improved services, the Board's FY 1973 budget request must be \$153,000,000.
- g. The House of Representatives has approved an appropriation for FY 1972 of \$141,000,000 dollars, and the Senate has approved an appropriation of approximately \$144,000,000. The final appropriation (and FY 1972 base) will accordingly be between \$141,000,000 and \$144,000,000.

The dismal summary above leads to the conclusion that unless the Board does something wholly new and unexpected the following of necessity must occur: (1) The Board will desperately, without the required expertise or time for study and reflection, muddle through the budget page-by-page in order timely to transmit a document to the Mayor; (2) there will be absolutely no opportunity for public hearings and comment, and community participation in the budget process; (3) the budget process itself will end up controlling educational policy and programs, instead of educational policy and programs shaping the budget; (4) the members and members-elect of the Board will once more, as has been the case for as long as anyone in the City of Washington can recall, have no genuine opportunity to use the budget to set policy, as they were elected to do; (5) the direction of the public schools will become relatively fixed through June 30, 1973, a scant four months before the next school board election; (6) the Board will again sit by and watch business conducted as usual.

All four new members-elect of the Board, Mrs. Mason, Mrs. Pryde, Mr. Barry and Father Kemp, attended the Budget Committee's meeting on December 6. They expressed outrage at the concept of having the FY 1973 budget proceed without any genuine opportunity for reflection by and comment from the community. I must admit that they breathed a little life into this tired old member's bones. I believe that it should be and will be possible to effect significant change in FY 1973, notwithstanding the impossible time schedule and inadequate information which has been presented to the Board. At a conference among Board Members on December 8, we discussed the following proposal as a possible solution to the dilemma:

GOALS FOR THE 1973 BUDGET

1. The Board should submit a budget request with a minimum funding level close to the amount which the Congress can reasonably be expected to appropriate.

COMMENT: The Senate Appropriations Committee has noted that unrealistic budgeting may largely be responsible for delays in appropriations. (See Page 13 of the Senate Report, #92-550 on the FY 1972 Appropriation Bill, a copy of which is annexed as Exhibit A.) Also, if the budget is to serve as a planning document for the Board, and the Board is to control priorities within the budget, then again, the budget request and actual appropriation must be relatively close.

2. The Board should not attempt to introduce significant new and ambitious programs, or rapidly expand existing programs in FY 1973, but should strive to get under control the runaway system that now exists and make it flexible, responsive and humane.

COMMENT: The Board must build up confidence in the system. This can only be done if we make the present system, with its limited goals, work well and to the satisfaction of the community. Rapid expansion of programs are probably beyond the scope of our present ability and will simply lead to more rhetoric, broken promises and frustration.

3. The Board should ensure that those whom we seek to hold accountable have a significant role in determining how funds are actually spent.

COMMENT: Teachers and principals are those who are immediately accountable for the education of our children. Their programs and needs should have the first priority in the shaping of the budget.

4. The Board should use the flexibility which Congress has given it in our expenditure of FY 1973 appropriations.

COMMENT: The line item budget is not a restraint. We are told over and over again by the administration that the line item budget prevents change, but this simply is not so. See my letter of March 29, 1971 to Senator Inouye, and the Senate Appropriations Subcommittee's response reproduced at pages 1342-1345 of the Senate Hearings on the FY 1972 budget, copies of which are annexed as Exhibit B. As the Board determines ways to improve education which require deviation from the line item budget, it has a very easy procedure for change even after submission

of the budget and approval by Congress. (See Senate Report #92-550, page 25, a copy of which is annexed as Exhibit C, and House Report #92- Page 19, a copy of which is annexed as Exhibit D.)

SPECIFIC STEPS RECOMMENDED TO ACHIEVE CHANGE

1. The Board should determine the minimum new or enlarged scope of services or programs for FY 1973 before the end of December. We will want without any question greatly to expand the scope of our special education services, and to provide new special education services. This is in accordance with the recommendation of the Senate Appropriations Committee, Report #92-550, Page 41-42, copy of which is annexed as Exhibit E. The Board may well determine that other new services may have to be deferred until FY 1974. (For instance, there is an obvious need for aides in all kindergarten classes and expansion of pre-school education. This may simply be beyond our present capacity.)
2. Upon determination of the increase for special education and other new services determined as in Paragraph #1 above, the Board will prepare a budget requesting those increases but which in all other respects will be our FY 1972 base as approved by the Congress plus mandatory increases only, without any other change. Such a budget obviously would be supportable, since it would seek only the scope of services approved by the Congress in December 1971, and nothing more. It would present a reasonable request for a level of funding, under which planning reasonably could be undertaken. At the same time, the Board would not be "selling out" the children in view of the fact that the special education and mandatory increases alone will require approximately \$10,000,000 in additional appropriations in FY 1973. The 1972 actual increase by the Congress over FY 1971 will be between \$1,000,000 and \$4,000,000.
3. The Board would transmit the budget prepared in accordance with paragraph 2 above to the Mayor upon approval at its regular stated January, 1972 meeting. In this way, the Board can meet the impossible time requirements placed upon it and at the same time submit a rational budget without having to shuffle through a meaningless page-by-page review without community participation. At the same time, the Board will have met its responsibility to the City Government and Congress in respect to the overall District of Columbia budget for FY 1973.
4. In its cover letter of transmittal, the Board will advise the Mayor, the City Council, the President, and both Houses of Congress, that it has not had an opportunity to review estimated

expenditures with the community, parents, teachers and students in order to improve the impact of expenditures. The transmittal letter will also advise that changes will occur as planning for the new school year continues over the course of the winter and early spring, but that all parties will be kept periodically informed of the Board's actions as they effect the FY 1973 budget in accordance with the reprogramming or redirection guidelines established by the Senate and House of Representatives.

5. The Board forthwith will engage consultants to assist it in a massive effort to make the budget and expenditure of public school funds responsive to the programs in the schools and needs of the students, rather than having education straight-jacketed by the budget. We would use the same approach with the consultants as was developed for compliance with the Skelly Wright Equalization Order of May 25, 1971.
6. A procedure would be developed with the consultants no later than by early January for allotting a level of funding within our various programs (Elementary Education, Secondary Education, Career Development, Special Education, Americanization School, Early Childhood Education, Adult Education and Anacostia Community Project and other special projects). A procedure would also be developed for allotting a level of funding on a school-by-school basis within each program. The purpose of the procedure would be to allow the principal, teacher, parent and student community on a school-by-school basis to shape its own priorities within its own allotment, thereby effecting a genuine level of accountability.
7. Also, at the Board's January, 1972 meeting, the Board would tentatively approve the procedure worked out with the consultants, and would schedule public hearings for late January on the procedure and would finally adopt it no later than the regular February meeting.
8. March and April would be devoted to establishing allotments, communicating them to the individual schools and receiving and tabulating the responses from the individual schools.
9. During May, a final 1972 budget, combining both regular operating and federal funds and reflecting the priorities as established on a school-by-school basis, will be prepared, approved by the Board, and submitted to the Mayor, City Council, President and both Houses of Congress. The level of funding requested will be identical to that embodied in the budget request submitted in January, 1972.

December 10, 1971

10. Teachers will be notified of their September assignments made in accordance with the revised budget prior to the end of the spring term.
11. During the entire process set forth above, we will carefully monitor the budget requests made on a school-to-school basis to ensure compliance with the May 25, 1971 equalization order. If the Board determines that it will wish to equalize all school-based expenditures, including administrative salaries, books and supplies and other expenditures, as well as teachers' salaries, it may have to seek an amendment of the May 25, 1971 order.

CONCLUSIONS

I am very hopeful and believe that change is possible. Note particularly the statement on public education by the Senate Appropriation Committee appearing at pages 38-40 of Senate Report #92-550, copy of which is annexed as Exhibit F.

We should be able actively to involve the community in the budget process, and effective decentralized accountability. There is every reason for tailoring a budget and actual expenditures to the requirements of the students and the programs determined by the principals, teachers, parents and students, rather than letting the form of budget control educational policy. See Mr. Rosenfield's proposal and exchange of correspondence with the Superintendent, a copy of which is annexed as Exhibit G.

One last word of hope-- the Board of Education hired consultants for compliance of the equalization order in July, 1971. In two short months the Board had accomplished a major overhaul of the personnel assignments and equalization. The Senate Appropriations Committee praised this feat. Note: (Pages 38-39)

"The Administration's recent intensive efforts to comply with a court order designed to equalize the whole per pupil expenditure by equalizing the teacher costs per pupil has given evidence that the Administration has the capacity for change. (Compliance with the court decision also places the District's schools years ahead of most of the Nation's school districts in regards to the equal expenditure among students.)"

I look forward to meeting with you on December 13. Please telephone me if over the weekend you have any comments or suggestions which you would like to discuss in advance of the meeting.

Sincerely yours,

Bardyl R. Tirana

Bardyl R. Tirana

Chairman

Committee on Budget

GENERAL COMMENTARY

TIMELY ACTION ON THE DISTRICT OF COLUMBIA BUDGET

The Senate Appropriations Subcommittee on the District of Columbia began timely hearings on the District of Columbia budget March 15, 1971 and completed them on April 20, 1971, thereby being both the first subcommittee to start and the first to complete hearings on the annual 1972 bills. For such a prompt and thorough effort to be frustrated by a method of budgeting which utilizes a questionable, if not fictitious, projection of resources is a situation which should not be countenanced.

This makes the eighth consecutive year that the District and the President have submitted budgets badly out of balance. The Committee again repeats the same admonition originally used in the fiscal 1970 report and again reaffirms that the fiscal 1973 budget submitted for the District of Columbia should be balanced with projections of revenue from existing rather than requested legislation.

EXTRACT OF 1970 REPORT

Again, this year as it has for the past six, the District of Columbia government has indulged itself in the fancy of attempting to cut the revenue cloth to fit the budget rather than the budget to fit the revenue. The folly of such a course is self-evident and its continuation is clearly unacceptable, irrespective of practices followed heretofore.

At this point in time and experience, it should be clearly apparent that it is neither prudent nor realistic to submit District of Columbia budgets, the balancing of which is contingent upon the enactment of new taxes or increased Federal contributions.

The committee deplors the unwillingness of the District of Columbia government to present a balanced budget, while at the same time urging for itself greater participation in the management of its fiscal affairs. The committee believes that the District of Columbia government and its City Council should maintain maximum initiative with reference to the allocation of available resources. It is, therefore, the committee's earnest hope that the 1971 budget request, now in the process of formulation, will be presented within revenues estimated to be available from existing legislation. If this is done, there should be no reason why the Congress could not enact a timely appropriation bill which would permit all District agencies—particularly public schools and higher education—to initiate and execute orderly development of their 1971 programs.

If the problem is not faced forthrightly and decisively by the District of Columbia government, it will ultimately be necessary for the matter to be resolved through the congressional appropriations process.

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1342

EDUCATION

PUBLIC SCHOOLS

LETTER OF MR. TIRANA

Senator INOUE. Our next witness was to be Mr. Bardyl Tirana, a member of the Board of Education. He has submitted a letter. Without objection, his letter will be made a part of the record.
(The letter and the official response follow:)

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA

PRESIDENTIAL BUILDING

418 TWELFTH STREET, N. W.

WASHINGTON, D. C. 20004

MR. TIRANA REQUESTS

THAT THIS LETTER BE

ACCEPTED AS HIS

STATEMENT

March 29, 1971

Honorable Daniel K. Inouye
 Chairman, Subcommittee on the District
 of the Senate Appropriations Committee
 United States Senate
 Washington, D. C.

Dear Mr. Chairman:

I am deeply concerned that the success of the Subcommittee in uncovering waste and disinterest by District agencies is having one very damaging side effect. The aggressive action of the Subcommittee is unwittingly perpetuating a myth -- the myth that District officials and citizens are powerless to solve their own problems because of Congressional control over every detail of the city's life.

The annual appropriations hearings appear to be a painful experience that District officials endure, and then at their conclusion return to "business as usual". When the public raises its meek voice to ask why the quality of life in the Nation's Capitol continues to deteriorate -- the scapegoat is the Congress. How often have we heard the excuse, "Well, we can't do anything about it because Congress won't give us the money or authority"? In a city whose citizens are denied the right of self-government accorded all other Americans, the "Congressional Scapegoat" theory of failure is easily accepted.

I urge the Subcommittee to help dispel the principal myth -- the line-item budget. Everybody -- the city government, the School Board, the school administration, citizen groups, parents and teachers -- assumes that by some mysterious process every one of those countless lines in the budget has the force of law from which there can be no deviation. The line-item budget is the principal excuse offered for the failure constantly to examine expenditures and to make justified changes for improved efficiency and delivery of services to the classroom.

The line-item budget is only an estimate of needs. (D.C. Code, 31-104) The appropriations for the public schools generally are contained in just one sentence in the D. C. Appropriations Act. Indeed, your Subcommittee has long encouraged sensible reprogramming of funds and the justified departure from the line-item budget. As recently as in the FY 1970 D. C. Appropriations Report, the Senate Appropriations Committee stated:

"The committee is mindful of problems inherent in long-range budget planning and it is not the intention of the committee to restrict unduly the District government's flexibility in the fine and timely refocusing of the myriad activities covered by this appropriations bill"

As a matter of policy and sound coordination between the Congress and District agencies, the Subcommittee has only requested 10 days advance notice for reprogramming of operating funds for reorganizations, creation of new programs, or substantial augmentation of existing programs. Constructive consent to the reprogramming is granted if no objection is raised within 10 days after submission of the request. You have not even asked for notice as to the transfer or reprogramming of operating funds of less than \$25,000 between approved programs or activities.

Since the day the first elected School Board took office, there has been no instance to my knowledge in which either your Subcommittee or the counterpart in the House of Representatives have objected to a request to reprogram school operating funds. In short, there is no rational basis for the widely-held belief that the Congress has produced the rigidity which has characterized wasteful and unresponsive administration.

Ultimately, the only solution to government in the District is Statehood or its equivalent, so that the full responsibility of citizenship will fall on and be met by our community. In the interim, however, the Subcommittee can help the schools by:

1. Dispelling the myth that the line-item budget prevents the School Board from using its operating appropriation wisely and from adjusting expenditures to changing needs.
2. Encouraging periodic review of authorized capital outlay projects, and reprogramming of funds where advisable, in order to meet constantly shifting student populations, educational criteria, and design and construction requirements. (The present capital outlay process has tended to produce expensive buildings which are obsolete at the time of completion.)

I would welcome the opportunity to testify before the Subcommittee on the School Board's budget, or to submit further written comment. I appreciate your consideration.

Sincerely yours,

Bardyl R. Tirana
Member, Board of Education

Response to Mr. Bardyl Tirana
Member of the Board of Education
on Line Item Budgets

The comments made regarding the line item budget and the extent of commitment to that budget describe a concept of budgeting with which we fully agree.

The budget estimates for the District of Columbia are prepared many months before the beginning of the fiscal year. They represent the best possible estimate at the time of agency needs; obviously time and changing conditions will affect that estimate -- even subsequent to the final enactment into law of the appropriation act. This means that the operating agencies of the District government must have the flexibility necessary to deal with situations as they develop. The District of Columbia has found that by and large the reprogramming guidelines under which we have been operating over the past years have been conducive to the flexibility we must maintain.

These comments made by Mayor Washington on Wednesday, April 21, at the concluding Committee session on the question of reprogramming should be re-emphasized.

"During the Senate hearings, much attention has been devoted by the Committee to specific line-items of Department budgets. Any focus on line items should not obscure the fact that a budget plan is just this: a plan by which the public administrator seeks to accomplish a particular task. It is an expression of the resources required: men, supplies, motor vehicles, equipment or whatever. A budget is far more, however, than just an expression of "input." It must also be an expression of "output", focusing on what we are accomplishing with these resources, and looking at whether our programs are effective in meeting their objectives. If change in the line item budget plan is necessary to maximize our effectiveness, then the freedom to change must be available to us.

".... Reprogrammings are one means of such change. Reprogrammings do not represent new initiatives which are counter to the basic policies implicit in the approved budget; they do represent the important principle that the District government must have sufficient flexibility to meet emergency situations and particular requirements as they arise."

REPROGRAMMING OR REDIRECTION

The committee is mindful of problems inherent in long-range budget planning and does not desire to unnecessarily limit the District Government's flexibility in the fine and timely refocusing of resources necessary to good management practices.

If, however, the committee is to fulfill its responsibilities, it has a need to be kept currently informed of these transfers. A review of the hearing record will reveal numerous instances in which both the spirit and the letter of past reporting requirements were not adhered to.

In order to come into grips with this long-standing problem, the committee has established new reporting requirements which offer the hope of providing the committee with full knowledge of internal changes without impairing the District of Columbia Government's need for flexibility. The policy to be followed in the future is as follows:

The committee desires that the chairman of the Senate Appropriations Subcommittee for the District of Columbia be notified in writing a minimum of 10 days prior to—

(1) Reorganizations.

(2) Transfer or reprogramming of funds in excess of \$25,000 between programs or activities.

(3) Increasing funds or personnel by any means, including reimbursement, for any project or activity for which funds have been denied or restricted in a regular or supplemental appropriation bill for the year in which the action is proposed.

(4) Creation of new programs or substantial augmentation of existing programs.

(5) Shifts of groups of employees between agencies or the creation of new groups of temporary positions and a description as to the source of funds from which they are financed.

(6) Major changes in concept or scope of capital outlay projects or increases in cost of specific projects above the amount appropriated.

(7) The committee desires notification of all other reprogramming actions as they occur.

With the exception of reprogramming of capital outlay projects for which specific authorization is necessary, constructive consent may be implied if no objection has been raised by the committee within ten calendar days after submission of the notification or request.

SUPPLEMENTAL APPROPRIATIONS

In considering supplemental requests the committee will continue to strictly adhere to the following policy which is extracted from Bureau of the Budget Circular No. A-41, dated February 19, 1966, which states in part:

No supplemental estimate (or increase in limitation) will be considered unless it is due to circumstances not foreseeable at the time the annual estimates were submitted or to subsequent

action by the Congress, and the matter is of sufficient urgency to warrant immediate action. Every effort should be made to postpone, until the following fiscal year, action which would require supplemental appropriations. . . .

ASSISTANCE TO THE COMMITTEE

During its study of the District's 1972 budget, the committee has sought to develop the broadest possible base of information. This has been done in an effort to improve the productivity of the hearings as well as sharpen the committee's focus and judgment on the priority and merit of individual items.

In this regard, the General Accounting Office has been most helpful and the Committee has relied in many instances on the extensive reach and specialized knowledge of its personnel.

Special appreciation is also extended to Mr. Emanuele Crupi of the District Budget Office. Mr. Crupi's demonstrated ability and untiring efforts have been invaluable to the work of the committee. Mr. Laurence J. Egan of the Finance Office has also been most helpful and responsive.

The committee also takes note of the very valuable contribution of individual citizens who take the time and initiative to keep the committee apprised of their views on matters relating to the management and mismanagement of their tax monies.

INTERNAL CHANGES

Unless otherwise set forth, increases or reductions in individual appropriations or agency allocations are a result of shifting or eliminating positions and funds relating to drivers, public information, travel, or the Mayor's austerity program.

REPROGRAMINGS AND ORGANIZATIONAL CHANGES

A number of years ago a procedure was developed whereby the District officials were to advise the Committee of significant budgetary adjustments and organizational changes as well as making requests for approval of reprogramming actions. During the hearings this year it developed that there has not been strict adherence to this procedure and reprogramming actions have been taken by the District government without prior approval of the Committee. On one occasion as much as \$1 million of appropriated funds have been transferred from the purpose designated in the budget to another purpose without the knowledge of this Committee. Such actions are contrary to the intent of the Committee and the Congress and cannot be allowed to continue.

Therefore, the Committee directs the District Government to adhere to the following definitions and procedures for reprogramming actions.

For the purpose of these procedures, an operating reprogramming is defined as a temporary shift of funds from a budget category as approved by the Congress for use for another purpose.

Reprogramming for capital outlay projects is defined as a major change in concept or scope of the project or a change in the total cost of the project or cost of any phase (e.g., preliminary survey, site, construction services).

Redirection is defined as a decision by an agency to change a program by reallocating base resources from an old program to a new program to meet changing needs. The redirection process is intended for significant program changes and is a program change affecting the current year and subsequent years.

The Committee is to be notified in writing a minimum of 10 days prior to taking the following action:

- (1) Reorganizations.
- (2) Transfer or reprogramings of funds in excess of \$25,000 between programs, activities, or objects of expenditures.
- (3) Funding or stalling of any projects for which funds have been denied or restricted in a regular or supplemental appropriation bill for the year in which the action is proposed.
- (4) Creation of new programs or substantial augmentation of existing programs.
- (5) Shifts of groups of employees between agencies or the creation of new groups of temporary positions and a description as to the source of funds from which they are financed.
- (6) Major changes in concept or scope of capital outlay projects or increases in cost of specific projects in excess of 10 percent of authorized cost.

In addition, the Committee is to be notified of all other reprogramming actions as they occur.

The District Government has informed the Committee that it has established administrative procedures for meeting the above reporting requirements. In addition to the notification outlined above, requests for approval of reprogramming actions are to continue in accordance with past procedure.

Public Schools: Special Education.—Within the public schools budget \$143,783,600 the Committee recommends that \$9,102,500 be set aside for special education. This sum represents committee approval of the special education "base" for fiscal year 1971 approval of the estimate for fiscal year 1972, but reduced to 5 months funding for most personnel positions and an additional \$2,338,600, which will add 234 positions at 3 months funding and increased tuition grant and other support.

The Committee has made a separate study of special education in the District public school system and finds the present facilities, personnel and funding are unacceptably inadequate. There is a continuing waiting list of hundreds of children identified as requiring some form of special education who are excluded from the public school system and would continue to be excluded under the funding level recommended in the budget estimate. There also is a lack of adequate supporting services and separate special instruction and guidance capabilities within the school system to accommodate the needs of handicapped children now enrolled.

The recommended increases will not provide adequate funding for instruction of all those children now on waiting lists. Nor will it provide sufficient supporting and special class capabilities to meet the identified special education needs of District children. Limiting factors are lack of facilities, trained and recruitable personnel and provisions for special instruction and re-training of on-board district school personnel. The problem of developing adequate resources cannot be solved in one year and so only that funding is recommended that can usefully be applied in fiscal year 1972 to meet identified needs within the limits of what is possible. Children will continue to remain or will newly be placed on waiting lists. In this regard the Committee instructs the District Government to undertake a detailed analysis forthwith of all special education needs and approaches to meeting the shortfalls which will remain even under this increased special education budget.

An example of the above is the tuition grant program. The district does not, and probably should not, provide all the kinds of special education and treatment required for all types of disabilities. Thus, a system of tuition grants was developed to take advantage of selected private institutions. There are currently 505 students enrolled under this program. There is a waiting list of 427. But the FY '72 budget estimate submitted to the Committee provided \$293,000 less than the amount necessary to maintain the present number of 505 enrolled students. A survey reveals that an additional 184 students can be accommodated in the 1971/72 school year in these schools. The Committee recommends that \$2,171,000 of the special education funds be used for the tuition grant program, which will accommodate only those students that are identified as needing to be enrolled and that can be enrolled. This will leave 243 students on the current waiting list that not be accommodated. It is needs such as this that District of Columbia officials must resolve.

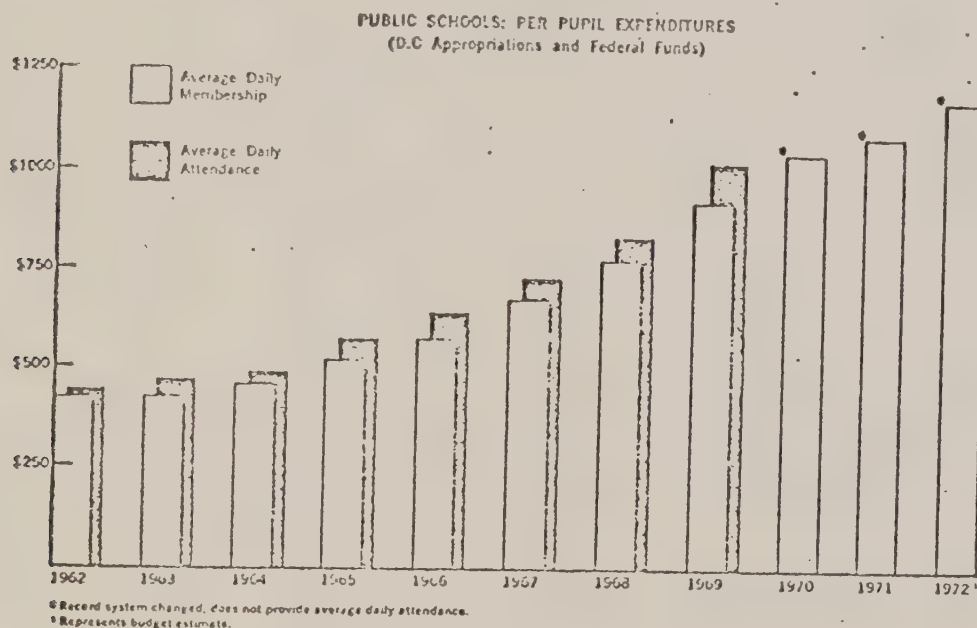
A review of national statistics indicates that the 9,237 District of Columbia children either receiving some form of special education assistance or identified as needing such special education but remaining on waiting lists probably represents about one-half of the actual number of children in the district who should be receiving special education assistance if they could be and were identified. The Committee's recommended increase will only partially meet the requirements of the presently enrolled or identified children needing special education facilities, assistance or support in part or in whole.

It can only result in a benefit to the District of Columbia and its citizens, as well as those more directly affected, to provide adequately for the very special needs of district children who are handicapped physically, mentally or emotionally, or with a combination of such handicaps. It has indisputably been shown that with adequate facilities and the attention of properly trained personnel, the overwhelming majority of handicapped children will become useful and productive citizens, and that without such special training the losses to society are incalculable.

EDUCATION

	Appropriation 1971	Budget estimate 1972	House allowance	Committee recom- mendation
Public Schools.....	\$139,915,000	\$146,111,100	\$140,947,700	\$143,783,600
D.C. Teachers College.....	2,985,200	3,334,400	3,200,600	3,337,900
Federal City College.....	13,107,700	20,216,300	15,913,400	19,894,600
Washington Technical Institute.....	5,719,500	8,805,700	6,593,100	8,773,900
Rounding.....		+500		
Total, Education.....	161,727,800	178,558,000	166,970,600	175,890,000

The Committee recommendation of \$175,890,000 is \$14,162,200 more than the amount appropriated in fiscal 1971, \$2,668,000 under the budget estimate, and \$8,290,000 over the House allowance.



Public Schools:—For Public Schools the Committee recommends \$143,783,600.

The state of the schools of the District of Columbia is unlike the condition of education throughout most of the Nation.

The single dominant problem confronting the majority of the Nation's school districts is the lack of adequate revenues.

The single dominant problem confronting the schools of the Nation's Capital has been the lack of confidence in the system. Individually, School Board members, administrators, teachers, parents, Members of Congress, and the students themselves, have not been confident that the various elements of the school system were working together for the common good.

And yet, while it is certainly easier to inject money into systems that are bankrupt than it is to instill confidence into a system that has been long beleaguered, the Committee is cautiously optimistic for the District's public schools. The path back to respectability will unquestionably be a long and arduous one to traverse. There must be an absence of the usual promises that the remedies will be swift and sure. The people of the District of Columbia do not need more rhetoric, broken promises, and frustration. What is needed is the coordinated dedication of all persons involved. The price that no longer can be paid, the expenditure that no longer can be afforded, is the waste of time. Change has been mandated. Change is imperative. And, hopefully, change will now take place.

There has been city-wide concern among teachers and parents that there has been little, if any, educational activity going on in the schools. The feeling of late has been that more and more monies have gone for less and less education. For the period from 1966 to 1971, the schools have had an increase in the appropriated regular budgeted funds of 83.5%. The confidence that the Committee has placed in the public school system officials is mirrored in the fact that over this same span of time, the average amount of funds appropriated has amounted to 95.8% of the funds requested. It is interesting to compare this average with a not entirely comparable figure—the 60% rate (and growing) that the Nation's school districts have been rejecting increases in school taxes and new bond revenues.

While most urban school districts have had to operate under "crisis" financial conditions, the local school board has been free from confronting issues such as paying teachers in script, eliminating new school construction, substantially shortening the school year, and curtailing extra-curricular activities and maintenance work to less than the minimum. The Board's concern ideally should have been the establishment of patterns of expenditures for educational services that matched the needs of the pupils. At various times, the Board's concerns were otherwise. It is the Committee's sincerest hope that the School Board and the Administration can engage themselves in a more economical and intelligent utilization of the existing funds in order that the resources may be allocated most efficiently and directly in behalf of the children. The citizens of the District of Columbia are long overdue for an enlightened school policy efficiently and effectively administered.

Conditions are opportune for the newly comprised School Board to have a tremendous impact on education in the District of Columbia. It is the Committee's most sincere hope that the Board will capitalize on the situation.

The public is now keenly aware of school policy due to the recent elections.

The Superintendent has had the opportunity to familiarize himself with the current problems of administration; and the people of the City are familiar with the Superintendent due to his efforts to be visible and available. Thus, the traditional insulation that exists due to the bureaucracy of large urban school systems is being dissipated.

The Administration's recent intensive efforts to comply with a court order designed to equalize the whole per pupil expenditure by equalizing the teacher costs per pupil has given evidence that the Administration has the capacity for change. (Compliance with the

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA
SUPERINTENDENT OF SCHOOLS
PRESIDENTIAL BUILDING
410 - 12TH STREET, N. W.
WASHINGTON, D. C. 20004

November 23, 1971

Mr. Albert A. Rosenfield
6128 29th Street, N.W.
Washington, D. C. 20015

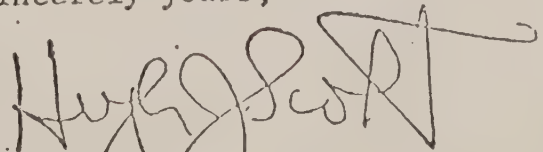
Dear Mr. Rosenfield:

This is in response to your recommendations submitted to me entitled, "A Proposal to Effect Continued Compliance with Judge J. Skelly Wright's Decree Equalizing Per Pupil Expenditures Throughout D. C. Public Schools." I read your proposal with great interest. I think it has merit and offers real possibilities as an element in our effort to achieve meaningful decentralization and accountability in the D. C. School System.

As you know, I have been working to make the school system more manageable and responsive since I assumed the Office of Superintendent. Your proposal represents an innovative approach to the concepts of decentralization and accountability and I am hopeful that it will prove feasible to incorporate it into the plans which we are developing.

I look forward to your continued assistance as we move forward the realization of a structure which will permit us to provide quality education on an equitable basis throughout the District and want to thank you for your time and effort in developing this proposal.

Sincerely yours,



Hugh J. Scott
Superintendent of Schools

possibly at the expense of Special Subject teachers, whereas another principal might, conversely, feel more Special Subject teachers were needed in his school to balance the special needs of the students in his building. The principal after advisory sessions with teachers, supervisors and parents, makes the most sensible allocations of resources to bring about the highest quality of education within his building. If this increased accountability for principals were instituted now, with the understanding that current staffing would provide the nucleus and that change would come about through natural attrition and through relocation of Special Subject teachers we could look forward to maintaining equitable per pupil expenditures and at the same time improve the effectiveness of the program.

As a long range goal, the system at the building level could develop a "needs" formula directed toward producing equally high quality of education, rather than merely an equal distribution of dollars.

1. DECENTRALIZED EDUCATIONAL DECISION-MAKING

This would tend to make the school more responsive to the needs of the children it serves, and also provide accountability at a workable level. Principals could no longer argue that crucial decisions are out of their control and responsibility would not be lost in the bureaucratic maze in which only the Superintendent or School Board could be held accountable. The possibility exists that such mini-decentralization might cut the costs of administration.

II. EASE OF MAINTENANCE OF EDUCATIONAL EQUALITY

The personnel department could accept teacher applications on a continuing basis, allowing principals, as the individual best able to do so, to choose from lists provided teachers whose salary range and special skills would best fill the needs of a particular school. Applications for transfer could also be considered on these bases.

III. APPROPRIATE DISTRIBUTION OF SPECIAL SUBJECT TEACHERS

Principals should request special subject teachers to meet the specific needs and determine allocation of time for their buildings. If principals were responsible for presenting needs, large and small buildings might turn out to have completely different staffing needs.

Elementary department supervisors and subject matter supervisors should consult with principals to assure that all children receive the advantages of the services of special teachers or some specially adopted program.

IV. INCREASED PROFESSIONAL STATURE FOR PRINCIPALS

The responsibilities and freedoms thus implied would tend to allow principals to operate at maximum competence and would attract persons with requisite abilities to the job.

STRUCTURE:

1. By April of each year, every principal would project the most accurate possible enrollment figure for the coming school year, and present staffing plans.

2. The administration would compute the total teacher-salary allowance for each school (allowing 3%-5% range from the mean) and notify each principal of his specific allowance range, permitting the same kind of reallocation feature as exists in the supply and equipment allotment.
3. Principals would next request from personnel the files of teachers in the required salary range from which to select personnel.
4. Requests for special subject teachers would be made to the appropriate departments, keeping within the total school allotment.
5. Total requests, including transfers, new hirings, and distribution of teachers of special subjects would be submitted to the administration. It would be assumed that all requests would be granted when demonstrably within expenditure range, and availability of personnel.
6. If, for any reason, requests could not be granted, the appropriate administration officials would meet with the principal to work out mutually satisfactory alternatives.
7. Teachers would be notified of assignments by the close of school.
8. On October 1 of the following school year, each principal would submit actual enrollment figures and show how school allowance is distributed at that time. (This would include lists of staff salaries, Special Subject teachers, including their benefits).

Page Five

9. Based on actual enrollment, changes would be made where necessary.
10. Principals, while being held accountable at their own administrative levels should have available to them the resources, advice and guidance of Budget, Personnel, Special Subjects, Staff Development Departments and they must be assured of the full assistance of their own supervisors, presently at the level of Superintendent of Elementary Education.

December 2, 1971

FY 1973 BUDGET
General Information

January, 1973

GENERAL QUESTIONS COMMONLY ASKED
ABOUT THE BUDGET

QUESTIONS AND ANSWERS

Public Schools of the District of Columbia

BUDGETARY INFORMATION

The budget of the Public Schools of the District of Columbia provides the operational means through which the educational aspirations, goals and objectives of the community are translated into action and accomplishment. The budget therefore reflects the characteristics of the community and aims to provide for the needs of its students, to encourage the professional development of the school system's greatest resource -- its instructional staff -- and to provide for effective and efficient administrative and supervisory processes.

Educational Goals: The major goal of the Public Schools of the District of Columbia is to provide quality education for the children, young people and adults of the community. Four program objectives, designed to meet this goal, set forth first in the Fiscal Year 1972 Operating Budget, formed the basis for all decisions relating to the allocation of resources for Fiscal Year 1973. They are as follows:

- Objective I. To significantly raise the level of academic achievement of all students in the areas of reading, written and oral communications, and mathematics.
- Objective II. To radically expand full-time programs for children with severe handicaps and learning disabilities.
- Objective III. To strengthen and expand career development programs for all students.

Objective IV. To maintain and strengthen noneducational services which are vital in the support of a quality educational program.

The Budget Process

How are the Public Schools of the District of Columbia financed?

A. The Public Schools of the District of Columbia are primarily financed through the budget of the District of Columbia and by Federal Grants. A small amount of additional support comes through contributions of private foundations and individuals.

What are the basic steps in the budgetary process? *

A. Basic Steps:

- . Recommendation of the Budget by the Superintendent and submission to the Board of Education;
- . Approval by the Board of Education and submission to the Mayor-Commissioner;
- . Approval by the Mayor-Commissioner and submission to the City Council;
- . Review and approval by the City Council;
- . Resubmission by the City Council to the Mayor-Commissioner;
- . Submission by the Mayor-Commissioner to the President of the United States for inclusion in the President's Budget to the Congress;
- . Senate and House subcommittees conduct hearings and make recommendations to the full Senate and House;

* See detailed Budget Procedure attached.

- . House and Senate pass proposed D. C. appropriation bills, respectively;
- . Joint House and Senate Conference Committee resolves differences in appropriation bills.
- . House and Senate pass final D. C. Appropriation bill; and submit to the President for approval;
- . Appropriate monies are then provided through the President and the Mayor-Commissioner to the school system for use.

What special budget problems exist in this school system not normally found in other school systems?

- A. The Public Schools of the District of Columbia are unique in that it is the only city school system which is funded as part of the federal establishment. The budgetary process as noted above must include review and approval by the Congress of the United States. In fact the Congress gives close scrutiny to budget and policy items and makes changes and amendments on both a broad and particular level.

Experience demonstrates also that the process of obtaining Congressional approval of the budget usually means that the fiscal year begins prior to the approval of the budget for that year. As a result it is not possible to know at the beginning of a school year, the resources which the school system will have for its operation.

What is included in the Operating budget for the school system?

- A. Expenditures for instruction and supervision

Expenditures for administration of the school system
and the Board of Education.

Expenditures for building operation and equipment
maintenance repairs

Expenditures for teachers' retirement and food programs

What funds were approved for the FY 72 Budget at the various approval
levels?

- A. \$155 million was approved by the Board of Education.
\$144 million was approved by the Mayor.
\$146 million was approved by the City Council.
\$146 million was approved by the White House.
\$141.7 million was appropriated by the Congress.

What happens to money that is not spent?

- A. Monies not spent as budgeted revert to the general fund of
the Treasury of the United States. However, experience
indicates that this rarely occurs.

Sources of Funding and Allocation of Expenditures

What per cent of the D. C. Government Budget has been allocated to
the Public Schools for the past six years?

A.	<u>Year</u>	<u>Per Cent</u>
	1967	22.0
	1968	21.0
	1969	19.2
	1970	21.7
	1971	20.9
	1972	20.7

How much money is being requested by the Public Schools for Fiscal Year 1973 operation?

A. Approximately \$148.7 million.

What happens if there is an unexpected expense?

A. Formal reprogramming of funds is requested from the Board of Education and approved by the Commissioner or a supplementary budget request is made to the Congress of the United States.

What proportion of the proposed FY 73 Budget is directed to the following?

<u>Category</u>	<u>Percentage</u>
Personnel	87.2
Textbooks	1.0
Library Books	.3
Supplies	2.0
Equipment	1.0
Printing and Reproduction	.1
Rent and Communication and Utilities	2.8
Travel	.2
Other contractual services	5.5

How do the D. C. Public Schools compare with other major cities in:

(1) Class size, (2) Professionals/1,000 students?

FY 70 - 71

City	Class Size		Professionals Per 1,000 Students
	Elem.	Sec.	
Atlanta	28	22	57.9
Baltimore	33.5	31.2	51.5
Detroit	32.7	32.1	45.8
St. Louis	29.2	27.0	46.7
San Francisco	25.7	26.5	63.8
San Antonio	26.8	24.4	47.7
Chicago	K-3 (30)	Not Available	38.7
Washington, D. C.	25	24	56.4 Reg. 61.8 Inc. Fed.

It should be noted that for FY 1971-72 the class size in elementary schools for Washington, D. C. is 28.

How do the D. C. Public Schools compare with the six local districts on the same data noted above?

FY 70 - 71

School System	Class Size		Professional Staff
	Elem.	Sec.	
Alexandria	N/A	N/A	N/A
Arlington	24.7	19.4	62.5
Falls Church	20	14	71.6
Fairfax	Gr. (1-2)		
	28.3	26.5	49.7
	Gr. (3-6)		
	30.4		
Montgomery	26.3	27.2	55.5
Prince Georges	29.2	25.7	54.0
Washington, D. C.	25	24.0	56.4

How do the D. C. Public Schools compare with other major cities in per pupil expenditure (using computed cost per student with non-common factors removed)?

FY 70	
Atlanta	\$ 582*
Baltimore	738
Boston	914
Cleveland	744*
Milwaukee	868
St. Louis	669*
San Francisco	1,023
Washington, D. C.	931

* Does not include Federal Grants - figures are unavailable.

In preparing the annual budget, are previous programs evaluated to determine whether or not a program should be refunded?

A. Each year operating departments submit budget proposals based on their own evaluation of the effectiveness of their programs. Funding for formal evaluations at this time is associated with Federally funded programs. However, within the limited resources of the Department of Evaluation, a small number of regularly funded programs can be evaluated annually.

How many children will be served by the Public Schools in FY 1973?

A. Approximately 140,000

Questions in General

What is the basis on which special teachers, assistant principals, counselors, etc. are allocated to specific schools:

- A. Allocations of special personnel are made to schools on the basis of standard student ratios established by the Board of Education, special needs of schools and limitations imposed by budgetary considerations. In addition, personnel may be assigned to a particular school on the basis of federal funding, such as Title I.

How may interested citizens and community groups request specific programs to be included in the budget?

- A. Interested citizens and community groups are invited to make their requests to the Board of Education at scheduled public hearings prior to the final approval of the budget by the Board.

How may local schools control expenditures so as to achieve flexibility in providing for local educational needs?

- A. Budgetary funds for textbooks, supplies and equipment are allocated to each school in dollar amounts. The selection of textbooks, supplies and equipment is reserved to the local principal and faculty to be made on the basis of local school needs. Principals may request the assignment of special teachers or personnel to meet special needs.

Definitions

Fiscal Year is the twelve-month period between settlements of financial accounts. For the Public Schools, the fiscal year begins July 1 and ends June 30. The fiscal year is named by the year in which it ends.

Regular or Appropriated Funds are funds appropriated by the United States Congress for the regular operation of the D. C. Public Schools. These are distinguished from Federal grants for specific programs.

Base Budget is the level of funding which serves as the starting point for the current fiscal year budget. It is usually the same level as of the last fiscal year and it does reflect redirection or transfer of funds within the Public Schools or between agencies of the D. C. government.

Annualization: New positions requested in the budget are usually funded for 6 to 9 months of the current fiscal year. Funds allocated to bring these new positions on a full year basis during the next fiscal year are called funds for annualization.

Fixed Charges are expenditures of a generally recurrent nature which are not readily allocable to other expenditure accounts such as school district contribution to employee retirement, insurance, rental of land and buildings, etc.

Reprogramming is allocating funds from one specific purpose to another specific purpose.

TSA - Teacher Salary Act (Staff employed under this category are designated TSA.)

GS - General Schedule (Staff employed under this category are designated GS.)

Mandatory Costs include those expenditures necessary for mandatory salary increases, for the staffing of new schools, and for the inflationary increase in prices.

Line Item Budget - A budget in which each specific detail of a program or a category is described in terms of positions and dollars.

BUDGET PROCEDURE

Approximately 18 months elapse from the beginning of the Public Schools Budget process to the time funds are available for school use. During this period, most top level school officials are immersed in developing a budget that is both realistic and relevant to the needs of children in the District of Columbia. The school budget has emerged as the chief planning document of the District Public Schools because of the limitations inherent in the procedure that must be followed during the budgetary process. The budget passes through several stages on its path to final approval by Congress. Further, to complicate the picture, a new budgetary process begins before the old one ends. An example of this procedure follows:

FY 72 and FY 73 Budget Process

JULY	AUGUST	SEPTEMBER
72:	1970-Preliminary Budget	1970-Revision of Budget
73:	1971-Preliminary Budget	" "
OCTOBER	NOVEMBER	DECEMBER
72:	1970-Board of Education Budget	1970-Mayor's Allowance (\$144 million) 1971-Final Budget (\$141.7 million)
73:	1971-Board of Education Budget	1971-Board Budget
JANUARY	FEBRUARY	MARCH
72:	1971-Public Hearing Board's Budget (\$155 million)	1971-City Council's Budget (146 million)
73:	1972-Public Hearing Board's Budget	1972-City Council Hearings
APRIL	MAY	JUNE
72:	1971-White House Budget (\$146 million)	1970-Preliminary Estimates 1971-Congressional Hearings
73:	1971-Preliminary Estimates	

STUDENTS AND STAFF - FACTUAL INFORMATION

Factual Information About the Students and Staff Supported by the
Regular Appropriated and Federal Budgets of the Public Schools
of the District of Columbia

The budget for the Public Schools of the District of Columbia must be understood in the context of the pupils whom it serves and the staff who comprise the backbone of the school system.

The Students

In the 1972-73 school year the D.C. Public Schools will serve approximately 140,000 elementary and secondary school pupils of whom 95 percent are black. The District has the 12th largest school system in the United States and is comparable in size to that of Cleveland, Memphis, and Honolulu. As in other large cities of the country, the total school enrollment figures for the District have been decreasing slightly during the past few years: in 1970-71 the enrollment was 146,224; in 1971-72, 143,411. This decline can be attributed to: 1) a declining birthrate; 2) a drop in pupil entries from other states; and 3) a substantial out-migration to the suburbs of the young black middle-class.

At the same time the demands upon the school system are increasing. A study conducted in September 1971 by the Division of Planning, Research and Evaluation of the D.C. Public Schools indicated that 74 elementary schools of 131 and 19 junior high schools of 30 had school populations with one-fourth or more of their students subsisting at poverty levels. Because many low-income families do not participate in assistance programs used as "need" indicies, this figure probably understates the actual poverty level of the school population. In light of the recognized correlation between poverty and low academic achievement, the depressed socio-economic level of the District's school population places exceptional demands on the school budget.

The drop-out rate for the D.C. school system has remained fairly constant over the past four school years, with about 11 of every 100 high school and vocational students "dropping out" each year. Of the 3,348 elementary and secondary students who left school in 1970-71, more than one-half cited "lack of interest" as their reason. However, another 32 percent said they left school for reasons related to family problems and lack of finances, indicating a continuing need for programs in this area. It must be noted, however, that of the seventh grade population each year only about 56.4% graduated from high school.

Although the school population as a whole is decreasing slightly, the number of graduating seniors is still increasing slightly. About 4,800 students completed high school in 1970-71, the last year for which figures exist. The percentage of the graduates continuing full or part time education is also increasing: of the 1967 graduates 50.8 percent continued, while 65.1 percent of the 1969 graduates pursued further education.

The Staff

The number of authorized full-time staff positions in the District of Columbia Public School system in 1970-71, supported through the regular appropriated budget and Federal funds, was 12,643. Included in this count are administrators; teachers; other professionals, such as counselors and librarians; clerical staff; maintenance workers, transportation personnel, and food services personnel. Full-time instructional staff, including building administrators, teachers, non-supervisory instructional staff and other professionals numbered 8,391. Of these 81 percent were classroom teachers in elementary and secondary schools. Women comprised about 79 percent of the teaching force and about the same percentage were Black; the median age of the teachers was

Educational Experience: In the 1970-71 school year, 71 percent of the elementary and secondary school teachers in the District had completed Bachelors Degrees or a Bachelors plus 15 additional hours of courses. Another 27 percent had completed Masters Degrees, a Masters plus 30 hours, a Masters plus 60 hours, or Doctorate Degrees. Only 2 percent were teaching without a Bachelors Degree, and they were either temporary teachers or were teaching a special or technical course in the vocational schools. These five categories of educational experience are the base for the teachers salary scales; for each category maximum and minimum limits are set with step increases for length of service.

Teaching Experience: While it is widely assumed that the more years a teacher has taught the better her teaching performance, there is little evidence in the research literature to support this. However, the length of service can be an index for the holding power of a school system over its professional staff. In the 1970-71 school year slightly less than half the elementary and secondary teachers, 46 percent, had taught in the District school system for more than five years. As some of the teachers with five or fewer years teaching experience in the District had had experience elsewhere, 61 percent of the 1970-71 teaching staff had had more than five years of total teaching experience.

Tenure: Three types of tenure status are in effect in the D.C. Public Schools: permanent, probationary, and temporary. Temporary status is given to those in the process of completing certification requirements. Probationary appointments are given to those who meet all certification requirements but are teaching for the first time in the District. Generally two years of satisfactory performance as a probationary teacher are required for a permanent

appointment, earlier tenure is possible for a teacher with three years prior teaching experience. In the 1970-71 school year, 58 percent of the teachers held permanent appointments with the D.C. school system, 28 percent were probationary, and 14 percent were temporary.

A review of the above facts clearly indicates both the needs and the resources available for the students of the District of Columbia. It is imperative that the needs be reflected and that adequate resources be allocated in the 1972-73 appropriated budget for the Public Schools of the District of Columbia.

Prepared by
The Departments of Research and Evaluation
Division of Planning, Research and Evaluation
December, 1971

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

LEVELS OF PERFORMANCE MADE POSSIBLE BY THE FY 72

BUDGET

ELEMENTARY EDUCATION

1. 38 teachers provide half-day sessions for 2017 children in Pre-Kindergarten. From Federal funds, 80 teachers provide full day and half-day sessions for 700 children.
2. 232 teachers provide half-day sessions for 19,400 children in Kindergarten.
3. 2714 teachers provide instruction in sequential skill development for 73,499 pupils in Grades 1-6. Federal funds provide an additional 155 teachers (10 teachers and \$112.8 for non-public schools).
4. Librarians provide full time services in 110 of the 120 administrative units in the areas of functional and recreational reading.
5. 128 counselors provide one counselor for each 120 administrative unit and an additional counselor for 8 of the administrative units over 1,000 pupils. 8 counselors are assigned to larger administrative units over 1,000 pupils from federal funds.
6. 135 reading specialists provide one per administrative unit and additional specialist for units over 800 pupils to improve reading instruction and use of effective teaching materials particularly in AAP. 34 reading specialists are added from federal funds.
7. 21 language arts teachers provide services to pupils and teachers in 118 elementary schools to improve sensory perception, vocabulary development and learning experiences.
8. 75 art teachers provide full time or itinerant services to children and teachers encouraging creative expression and providing aesthetic experiences.
9. 75 vocal music teachers provide full time or itinerant services to children and teachers stimulating creative expression and musical experiences and appreciation.
10. 23 instrumental music teachers provide itinerant services for some children interested in developing skills with instruments.
11. 120 physical education teachers provide services to each administrative unit aiding children in their personal and physical growth, health education and athletic skills.
12. 97 science teachers provide services on an itinerant basis to enrich curriculum, present new materials and provide first hand experiences and experiments.
13. 33 mathematics teachers to work city wide as resource teachers improve the instruction in mathematics.
14. 16 bilingual teachers are assigned to Oyster, H. D. Cooke and Eaton Schools to develop bilingual program, particularly for

Levels of Performance - FY 72 Budget

Spanish speaking children, funded from Impact Aid.

15. 50 itinerant foreign language teacher provide instruction in Spanish, French and Latin to Grades 5-6 children.
16. 37 Pre-Kindergarten aides, assigned to each Pre-Kindergarten teachers (usually a member of the school community) render supportive services to four (4) year old children. 124 aides are added from federal funds.
17. Federal funds also provide 253 teachers aides in grades K-6, 9 health aides, 149 reading assistants in the Anacostia Project, and 35 bus aides.
18. Material support is provided at the following levels:
 - Supplies:
 - \$12.05 per pupil (Pre-Kindergarten)
 - 5.14 per pupil (K-6)
 - Library Books:
 - \$1.49 per pupil (Pre-Kindergarten)
 - 2.31 per pupil (K-6)
 - Textbooks:
 - \$11.28 per pupil (K-6)
 - Equipment:
 - \$5.56 per pupil (K-6)
 - Field Trips:
 - \$.40 per pupil (Pre-Kindergarten)
19. Local schools are staffed by one principal in each of 120 administrative units, 53 assistant principals in larger units, one administrative aide in each unit, and 61 clerks in larger units.

SECONDARY SCHOOLS

1. Instructional programs are provided for 52,126 secondary school students in 30 junior high schools, 11 senior high schools and the Spingarn STAY School.
2. 2386 classroom teachers are provided based on an adjusted pupil-teacher ratio of 26:1.
3. 128 counselors provide a pupil-counselor ration of 400:1. This figure is lowered with the addition of 24 counselors through

Levels of Performance - FY72 Budget

Impact Aid funds to a reduced ratio of 350:1.

4. 48 full time librarians serve all junior and senior high schools plus one STAY School Program. This provides a second librarian in 6 of the largest high schools.
5. School without Walls provides one totally new model for restructuring high school education for tenth and eleventh grade students. (Partial funding - Title III.)
6. 1200 dropouts continue their education in the Spingarn STAY School.
7. Secondary school students participate in a work-study program which provides for a weekly rotation between regular school and job training in cooperation with the C & P Telephone Company.
8. Full-time job counselors in each high school give immediate assistance to students both in planning for career entry and to locate employment through the "job bank" services of the Employment Service. This is financed by the District Manpower Office.
9. 115 students are in supervised work-study experiences, in cooperation with the Model Cities Program.
10. Career counselors in several high schools plan new Career Development Programs as well as provide immediate counseling services for students through Federal Funds under the Vocation Educational Act.
11. Classroom instruction and practical experience are provided in dance, theatre, visual arts and film for approximately 100 students in cooperation with George Washington University.
12. Three students from each high school focus half-day upon careers in creative writing, photography, painting and graphics through the Literary Arts Program. Supplemental funding from private foundations.
13. A school centered rehabilitation program is operated for pregnant school-age girls under Impact Aid funds.
14. Material support is based on a per-pupil allotment for equitable distribution to all schools citywide. The cost per pupil is \$6.19 for supplies and materials, \$4.82 for library books, \$7.10 for textbooks and \$4.55 for equipment.
15. 1 additional principal, 4 assistant principals and clerical staff are organizing and planning the opening of the new Woodson Senior High school in September 1972.

Levels of Performance - FY 72 Budget

16. Local school units are staffed by 42 principals, 115 assistant principals, 105 clerical assistants and 80 teacher aides.

CAREER DEVELOPMENT

1. 79 academic and 93 vocational technical teachers serve 3,000 students in the five vocational high schools. Matching Federal Vocational Education funds support five vocational technical teaching positions. In addition, matching Federal funds are supporting a Remedial Reading and a Remedial Math teacher in each vocational school.
2. One full-time librarian and one full-time counselor serve each of the five vocational high schools.
3. Nine full-time Home Economics and one full-time Distributive Education instructors are in the regular academic high schools.
4. Matching Federal funds provide six vocational technical instructional teachers in the regular academic high schools.
5. Matching Federal funds are enabling us to begin a Career Development Guidance and Counseling service in each of the regular academic high schools.
6. Federal funds are supporting 20 cooperative teachers.
7. 41 vocational technical teachers are at the post secondary and adult level. Matching Federal funds support 12 technical instructional salaries.
8. A combination of District and Matching Federal funds will enable us to provide late afternoon and evening classes for adults. These part-time funds for instruction will be used to establish a program for veterans in the late afternoon and evening at the Phelps Vocational High School.
9. Matching Federal funds support seven instructional positions serving the programs for the handicapped at the Sharpe Health School, the D. C. Childrens Center, the Blair Special Education Center and the New Mamie D. Lee School.

Levels of Performance - FY 72 Budget

SPECIAL EDUCATION

Within available 1972 funding the Department of Special Education will:

1. Provide a cascade of services to approximately 9900 students, an increase of about 1388 students.
2. Move into a differentiated vocational program for crippled and severely retarded students.
3. Completely eliminate the waiting list for severely mentally retarded students.
4. Provide a strengthened placement potential for all students.

Levels of Performance - FY 72 Budget

SUMMER SCHOOLS, CONTINUING EDUCATION AND URBAN SERVICE CORPS

1. The adult basic education program enrollment for this year exceeded one half of the FY 71 total enrollment (3,405) as of October, 1971
-in addition, President Nixon's Family Assistant Program can be expected to substantially increase the number of enrollees in the WIN basic education program under a contract from the Labor Department during FY 72.
2. The regular adult education program has expanded from nine school sites and 15 community sites in FY 71 to include six additional community sites in FY 72.
3. The Armstrong Adult Education Center began FY 72 with all regular positions funded in the budget for the first time.
4. The Adult Education Demonstration Center has been asked to include a program for re-training all of the clerical staff of the D. C. Public Schools (on a voluntary basis) in FY 72.
5. The Americanization School receives no additional funding, but substantially increased its impact upon the Spanish Speaking Community through the six week TV program, Time for English, planned jointly with the English Department in FY 71 and will attempt to recruit media - university and community resources for this program again in FY 72.
6. The high school equivalency program is included for the first time in the FY 72 budget, and will process approximately 3,800 applicants in FY 72.
7. The Community School Program is expanded from six to eleven schools.
8. Summer programs priority will continue to be given secondary students who can complete their senior or junior high school requirements in summer school and to supporting the Academic Achievement Program.
9. The Urban Service Corps receives administrative, supervisory and clerical support from the Central Office staff which in addition to program responsibilities delineated above is responsible for:
 - a. various volunteer enrichment programs
 - b. the Volunteer Aide Program, whose present thrust emphasizes training local parents as volunteers, 500 to date FY 72.
 - c. Widening Horizons services 150 junior high school students in the school year and approximately 7,000 in summer, 1971.

Levels of Performance - FY 72 Budget

- d. The Clothing Program which serviced approximately 6,000 children through the Perry Center in FY 71 (approximately 10,000 through volunteer resources), and approximately 113 received eyeglasses and hearing aids.
- e. The Outdoor Environment Laboratory School at Catoctin National Park in Thurmont, Maryland, in cooperation with the Science Department served 2,000 students from all elementary schools in FY 71 and approximately 600 in FY 72.
- f. The Model Cities After School Day Care Program in six schools as the representative of D. C. Public Schools.

DIVISION OF INSTRUCTION

The Division will provide services as listed below within the FY 72 budget.

- 1. Supervisory assistance to subject matter teachers in the secondary schools.
- 2. Supervisory assistance to teachers in the elementary schools.
- 3. Supervision and operation of Title I Programs.
- 4. Supervision and operation of the bilingual program.
- 5. Coordinate and organize staff development programs.
- 6. Revision of curriculum particularly as it affects and applies to the AAP.
- 7. Supervision and operation of the Career Development Exemplary Project.
- 8. Supervision and operation of the Portal School Program.
- 9. Provide support to Reading and Math Mobe Teams
- 10. Supervision and operation of the Math TV program for elementary teachers.
- 11. Supervision and operation of the Media Center and Library Services.
- 12. Manage and operate the divisional office so as to provide leadership and direction to the total instruction program, K-12.

Levels of Performance - FY 72 Budget

PUPIL PERSONNEL SERVICES

As a result of the level of FY 72 funding, the Department of Pupil Personnel Services is able to support the instructional program by providing the following services to the total school system population:

1. individual and group pupil study of children with a variety of learning handicaps
2. guidance and counseling services
3. services for seriously educationally disadvantaged in the Title I target area
4. speech correction and hearing services
5. attendance accounting work permit issuance and child labor monitoring
6. pupil appraisal and assessment at city-wide and local school levels.

These services are made possible through the organization of:

1. Four decentralized intra-disciplinary teams consisting of a total staff of 4 Center Directors, 39 School Psychologists, 25 School Social Workers, 32 Attendance Officers, 77 Speech Correctionists, and 16 Clerical Supportive Personnel.
2. With the additional Federal funding, two Title I teams have been established to supplement the services of the four teams established with funds from the general appropriation. These two teams serve the Title I population in the identified Target Area. The staff consists of 2 Center Directors, 3 Assistant Directors, 14 Speech Correctionists, 61 Pupil Personnel Workers, 48 Pupil Personnel Aides, 8 Clinical Psychologists, 6 Clinical Social Workers and 12 Clerical Support Personnel.

The Department of Pupil Personnel Services also provides for:

1. the issuance of work permits for minors between the ages of 14-18
2. the coordination of all activities involved in the city-wide testing program for grades 1 through 9 under the Academic Achievement Project
3. the planning, jointly with teachers, of prescriptive educational and mental health programs for individual children
4. the coordination of services with the Juvenile Branch of the Superior Court and with a variety of community agencies.

Levels of Performance - FY 72 Budget

ADMINISTRATIVE SERVICES

A. Department of Automated Information Systems

Assuming the continuation of funding sources and amounts for contractual agreements related to RCA Spectra Computers and associated peripheral equipment, DAIS will have the capability within FY 72 final budget allowance to accomplish the following:

1. to expand the Student Scheduling System to 24 secondary schools or approximately 30,000 students.
2. to expand the Report Card System to 24 secondary schools to approximately 30,000 students.
3. to expand the Text Scoring System capability.
4. to provide experiences in computer solutions to problems for a maximum of 1625 students.
5. to implement an on-line Fiscal Accounting System.
6. to implement a Personnel Accounting System.
7. to implement a Supply and Equipment Inventory System.

In addition Federal funds are used to:

1. effectively continue generating basic statistical reports.
2. augment the data preparation and quality control staff.
3. requisition data preparation supplies and services.
4. to design automated procedures for Federal Program and Grant Accounting.

B. Department of Buildings and Grounds

1. Substitute Program: 13 substitutes will provide replacements for 10% of absences during the remainder of FY 72.
2. Training Program: 37 Trainee Replacements will permit upgrading of 120 custodial personnel.
3. Preventive Maintenance Program: 20 schools will be brought under the program in FY 72.
4. Program Management Supervision: Each area supervisor will continue to assist approximately 20 schools to operate the physical plant.
5. Building Operation and Maintenance: Increases provide for staffing, utilities, supplies and services for 10 additional buildings.
6. Repair, Improvements, and Programmed Maintenance: Funds provide for upkeep, repair and minor alterations to physical plants in the system at present levels.

Levels of Performance - FY 72 Budget

C. Department of Business Administration

Administration

1. Provide clerical service with response time of one day to two weeks.
2. Provide personnel support to 364 employees.

Transportation

1. Provide home/school transportation for approximately 1,400 handicapped students.
2. Daily mail service to over 200 administrative units, contingent upon pending transfer action.
3. Transport 18,000 needy lunches into 89 schools without cafeterias.
4. Transport 1,000 pupils from overcrowded to undercrowded schools.

Above capability includes \$640.4 in Federal funds.

Procurement, Warehouse and Delivery

Procurement

1. Provide timely delivery of textbooks.
2. Purchase items within 60-90 days.
3. Process bill payments within two weeks.
4. Equip all new schools.

Distribution Facilities

1. Provide 60-90 day delivery of good and services.
2. Provide for a yearly inventory.
3. Operate one country store for local purchases.
4. Receive and warehouse approximately 40 per cent of supplies and equipment.

Above capability includes \$77.9 in Federal funds.

Inventory Control

1. Initiate standardizing of 9,000 stock numbers and cataloging.
2. Publish and maintain Customer's guide for requisitioning.
3. Maintain an update of 60 percent in processing warehouse transactions.
4. Review supply requirements twice a year.

Levels of Performance - FY 72 Budget

Maintenance and Repair

1. Provide minimum maintenance for 43,000 equipment items.
2. Monitor contractual maintenance.
3. Provide preventative maintenance on selected equipment items.

Above capability includes \$48.7 in Federal funds.

Food Services

Secure and serve 56,000 lunches in schools with cafeterias. In addition, provide 18,000 lunches in 89 schools without cafeterias.

Above capability includes \$2,771.2 in Federal funds.

OBJECTIVES AND PROGRAM PRIORITIES
FY 1973

OBJECTIVES AND PROGRAM PRIORITIES
FY 1973

INTRODUCTION

Several years ago, John Gardner, now President of Common Cause, summed up this country's predicament as follows, "We are in deep trouble as a people. And history is not going to deal kindly with a rich nation that will not tax itself to cure its miseries." Since that time it has become an overused cliché to talk of our troubled society, but while this overuse may have dimmed our sensibilities, it has not lessened our troubles.

An so it is with our school system. In many ways education has become the whipping boy for society's ills. We may protest this practice of blaming the educational system for everything from the hard hats to the hippies, but the fact remains that we educators are not fully achieving our one very obvious goal: to produce educated men and women. Here in Washington and throughout the nation, especially in our large urban centers, we are producing, not only via the drop-out route, but even through high school graduation, individuals who are often unable to compete and in some cases to survive. Clearly we cannot allow this to continue.

But the sad fact is that it will continue unless we in this nation are willing to make unprecedented sacrifices, not of flesh and blood as in war, but of time and treasure and toil as befits a compassionate country dedicated to equal opportunity for all.

I am sure that all of us in this room agree that we cannot have equal opportunity until we have an educational system that produces life, not death, at an early age. Both the reasons why our schools are failing and the formula or formulas for success are so complex, if they are understood at all, as to defy any attempt at detailed analysis this evening. We all have opinions on these problems and we all spend much of our time disagreeing with each other, but I suspect that if we clear away the rhetoric we will find we are all saying much the same thing. Part of the problem certainly rests with the school system itself. We are not as efficient as we should be. We know this and we are working hard to correct it. We are not as far-sighted or innovative as we should be. Again, we are trying to move in new directions although sometimes it is difficult when survival, by necessity, is our number one priority.

Now I would like to turn briefly to the formulas for success. Since this is a hearing on the budget, let me get right to the point: This school system needs money. The problem, of course, is much more complex than that and money itself is not an answer for anything. Money does not increase efficiency, nor does it innovate. People do these things. But the fact remains that without sufficient funds a school system is unable to take full advantage of the creativity, determination, and dedication of its people. The end result, tragically, is that children suffer.

My purpose for raising the issue of money is not to present the excuse of inadequate funding as justification for a school system we all acknowledge needs improvement, but rather to begin an open and honest dialogue on just what it costs to provide quality education in the District of Columbia. The minimum budget we are considering tonight will not give us the kind of educational system we need in this city. I believe it does contain a viable program of instructional services and I ask to be held accountable for it. I believe it does represent an intelligent use of the funds which will most likely be forthcoming. I also believe there is room for improvement, both in this budget and in the system's administration of its programs, and I pledge my efforts and those of all school personnel to work with the Board of Education and citizens of the District in this regard. But while I regret my role as a harbinger of bad news, I must point out the realities of our financial situation. True, we are requesting more money than last year. But more money is needed merely to provide the same services as last year. And I need not tell you that a society which has as its primary objective maintaining the status quo is a society in deep trouble. Paying lip service to education by small budgetary increases does not hide the fact that over the past several years the percentage of D. C. General Funds devoted to the public schools has actually declined.

We have then, members of the Board of Education and ladies and gentlemen, two tasks before us. First, we must accept reality and make this budget and this school system the best that we possibly can, given the dollars available. Second, we must devote even more effort to convincing everyone connected with the District of Columbia and its schools of the necessity for a true commitment to quality education and of the need for a level of funding consistent with that goal.

Objectives and Priorities

The school system has been and is mobilizing to bring into full operation this fiscal year a massive focusing of its resources into the four priority areas of

1. The Academic Achievement Project
2. Special Education
3. Career Development
4. Non-educational services

The allocation of resources across these four areas will be first to the local schools; second, to direct instructional services to local schools; and third, to central administration supports.

Academic Achievement Project

The ultimate goal of the Academic Achievement Project is to raise significantly the reading and mathematics achievement levels of all children in the District of Columbia Public Schools. Implementation of the Project required a system-wide mobilization involving staff and curriculum development, the development of viable testing and grading procedures, the formulation of equitable and realistic grouping and promotion policies, and the design of program evaluation instruments. For this implementation a total of \$9.2 million was redirected in the FY 1971 Operating Budget. Approximately \$1 million is provided for the AAP testing program alone.

Special Education

Of the D. C. Public Schools' student population of 144,000, it is estimated that from 14,000 to 18,000 require Special Education services. Such services, designed to meet the needs of handicapped students and those with learning disabilities, are presently being delivered to some 4763 children. Only a small number of these students require full-time special education classes, provided they receive adequate support

resources to enable them to attend regular elementary and secondary school classrooms. However, neither sufficient full-time special education classes nor sufficient support services at the school level are provided.

The FY 1972 budget does allow for expansion of the Special Education program. There is, however, a national shortage of qualified Special Education teachers and personnel. Thus even with increased funding it will be several months before we fully realize a large-scale improvement in our Special Education Program.

If we were to address ourselves fully to the needs of the potential clientele cited above (14,000-18,000), the needs of the Special Education Department could amount to several million dollars more.

Career Development

The function of the Department of Career Development is to coordinate all the career development programs and activities. The program is urgently needed because of the continuing high incidence of school drop-outs at both the secondary and college levels. There is also to be considered the inadequate preparation of many high school and college graduates for meaningful entry-level career employment. The continually rising unemployment rate for Black youth makes it doubly important that the D. C. Public Schools provide a high level of specialized career-oriented instruction.

The long-range plans for the school system call for a career development curriculum which will begin in the elementary school, tie in all instructional areas, and offer a flexible pattern of high school courses in system-wide Career Development Centers.

The final FY 1972 Operating Budget, as approved by Congress, did not provide for many of the positions requested by the Board of Education. Some of these could possibly be picked up in Impact Aid, but additional services are needed if this program is to be successful.

Elementary Education

At the elementary school level there must be a sustained effort to create and maintain an instructional program based on the concepts of continuity, sequence and relevancy of learning in order to expand the child's potential for developing the basic skills he will need for a satisfying involvement in society. More specifically this effort will center on:

1. Expansion of the number of children (3-and 4-year-olds) in Early Childhood programs which provide critical learning experiences during the early formative years of growth and development.
2. Strengthening of kindergarten education.
3. Raising in significant degree the performance of students in the areas of reading, writing, oral communication, and mathematical skills.
4. Individualizing instruction to attend the special problems, needs and interests of each child.

Secondary Education

In conjunction with its traditional program designed to prepare some students for college and university study and to provide other students with marketable vocational skills, secondary education must explore other ways of educating and training students who plan to end their formal education upon graduation from high school.

Other ways of educating and training students of differing backgrounds and interest and aptitudes are presently being pursued in the D. C. Public Schools. The School Without Walls represents such a thrust. Among the others that may be cited are

- the Spingarn Stay School
- the work-study program conducted in cooperation with the C & P Telephone Company
- the work-study project conducted in cooperation with the Model Cities Program
- the theater arts program conducted in cooperation with George Washington University
- the Literary Arts Program
- the school-centered rehabilitation program for pregnant students

All these efforts, of course, must fit as integral parts into the career development concept of the secondary school curriculum.

Non-educational Services

In a school system having some 144,000 students and 13,000 employees, it is of singular importance that the non-educational services which support the educational program be not only maintained but strengthened as well. As with all business enterprises, sound fiscal management in school operations represents the basis on which a successful program is built. Among the implications of good business practices for us are the proper receipt and disbursement of all funds received by the school system, the development of projections regarding our short-and long-range financial needs. It also involves the close monitoring and auditing of all our fiscal resources. We must know at all times the status of school funds, both regular and federal.

Efficient managerial practices also require that we have complete and accurate information on our personnel. This calls for an information storage and retrieval system that can provide instant data on personnel accounting, allocations, deployment, work-sites and so on.

Extensive reorganization and improvements must be made to increase the efficiency of service delivery by the various support services. The firm of Price-Waterhouse is now in the final stages of a management study of the D. C. School System. Price-Waterhouse will also assist us in implementing a number of its recommendations.

Conclusion

Within the broad context of the foregoing, there are other moves to be taken, other commitments to be made if we are to provide a really effective and challenging educational program to the children of the District - one that educates them, that prepares them for a career of work and the career of life.

The proliferating demands made upon the teacher and school administrator - in terms of time, knowledge, and versatility of skills - call for well-planned and -conducted staff development activities. Like the members of the other professions, educationists must "go back to school" for a day, an evening, a week just "to keep up." Time must be found for in-service training. Only through individual improvement can there be system improvement.

Bound inextricably to our professional tasks is professional accountability. Accountability must logically evolve from the clear specification of roles. All school personnel must and will bear responsibility for the performance of the particular tasks assigned to them in their various roles as teachers, administrators, and as support personnel. Employment in the Public Schools of the District of Columbia carries with it both a moral and professional obligation to serve as fully as possible the people of this city. Accountability will be, therefore, the principle governing the actions of all school employees.

The educational objectives set forth here and elsewhere give us a clear sense of direction as to where our priorities are. The budget itself, within the imposed fiscal constraints, represents the most realistic allocation of our resources toward the achievement of these objectives.

Hugh J. Scott
Superintendent of Schools

January 6, 1972

THE DEVELOPMENT OF THE
FY 1973 OPERATING BUDGET

HOW THE 1973 OPERATING BUDGET IS DEVELOPED

FY 1972 Approved Operating Budget (FY 73)	<u>Pos.</u> 10,280	<u>Amount</u> \$141,674.4
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<u>FY 1973 Base Reduction</u>	<u>Pos.</u>	<u>Amount</u>
FY 1973 Non-recurring Costs	-	\$ 212.5
Phase II Base Reductions	59	590.0
	59	802.5

FY 1973 Mandatory Increases

	<u>Pos.</u>	<u>Amount</u>
Annualizations	...	\$ 685.6
Within-Grade Advancements	...	3,260.0
Staffing	73	520.2
Vehicle Replacement	...	103.5
Teacher Retirement	...	200.0
Driver Education	2	40.0
	75	\$4,809.3

FY 1973 Increases For New and Improved Programs

(a) Special Education Programs

	<u>Pos.</u>	<u>Amount</u>
Classroom Teachers	109	\$1,326.8
Professional Support	12	142.3
Paraprofessional Support	7	15.7
Material Support	...	175.4
Local School Management	18	74.1
Tuition Program	1	26.0
Departmental Administration	13	61.0
	160	\$1,821.3

(b) Special Education Related Programs

Transportation of Handicapped

	<u>Pos.</u>	<u>Amount</u>
Vehicle Operators and Mech.	16	\$ 132.6
Bus Attendants	15	105.0
Maintenance, Uniforms, and		
Fuel Costs	13.1
New Busses (15)	...	107.0
	31	\$ 357.7

Total, New and Improved Programs	191	\$ 2,179.0
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RESOURCE TOTALS

FY 1973 Base (Unadjusted)	<u>Pos.</u> 10,280	<u>Amount</u> \$141,674.4
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FY 1973 Base (Adjusted)	10,221	\$140,871.9
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FY 1973 Mandatory Budget	10,296	\$145,681.2
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FY 1973 Proposed Budget	10,487	\$147,860.2
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MANDATORY INCREASES

The Budget for FY 1973 includes mandatory costs in the amount of \$4.8 million dollars as follows:

	(thousands)
Annualizations	\$ 685.6
Within-Grade advancements	3,260.0
Staffing costs for 73 additional positions	520.2
Other-teacher's retirement, Driver Education and vehicle replacement	<u>343.5</u>
Mandatory Costs	\$4,809.3

DEFINITIONS:

Mandatory Costs

Mandatory costs include the staffing of new buildings and additions, annualizations, and results of actions such as pay legislation and direct congressional actions. Also included is the impact of providing the same level of services to the current clientele (types and numbers) and inflationary costs including increased costs of services provided by other District of Columbia agencies.

Inflation

Inflation represents those increased costs for the purchase of the same amount and quality of goods and services at a later date due to economic conditions. This amount is a fluctuating figure. According to the United States Department of Labor's Consumer Price Index, from May, 1970 to May, 1971 inflation resulted in a 4.3 percent general increase. It was assumed that inflation will continue at that same rate throughout FY 1973. Some items will undoubtedly increase in cost by more than this amount.

Reprogramming

Reprogramming is the one-time use of funds for a purpose other than the purpose reflected in the approved budget supported by the Budget "Mark-Up" and the approved Detailed Financial Plan.

Redirection

Redirection is the process used to terminate or substantially reduce a program and reassign the funds originally appropriated for a particular program to another approved program.

Annualizations

Annualizations are the entire year's cost of all positions for programs approved by Congress but approved for less than a full year previous to FY 1973. This includes staffing, workload, improved services and new services.

In addition to annualizations other mandatories will be contemplated for wage increases for general schedule (GS) and Wage Board Employees (WB) which will increase costs.

Within-Grade Salary Increases

Within-grade salary increases covers step increases for personnel employed by the Public Schools. It includes such an increase for all Teachers' Salary Act personnel (Class 15 through Class 3), and for most Wage Board and General Schedule personnel. There are some positions in these latter groups, however, which will not provide for a step increase in FY 1973 inasmuch as the pay schedules provide for a two-year step cycle after step four.

Calculations for within-grade salary increases were based upon the average step for employment for each grade of the pay schedule. The number of employees in each grade was multiplied by the average step increase for that grade in order to obtain the figure of \$3,260.0 thousand.

STAFFING FOR NEW CONSTRUCTION

This item provides management (principals, clerks, etc.) and custodial personnel positions for newly constructed school facilities scheduled to become operational between July 1, 1972 and June 30, 1973 (FY 1973). These personnel are assigned in accordance with prescribed ratios and formulae, which were obtained from the Department of Buildings and Grounds. There are fifteen projects scheduled for completion during FY 1973. The amount of \$520.2 thousand provides necessary staffing for 73 additional positions.

OTHER

The final item of \$343.5 thousand under mandatories is for teacher's retirement, driver education and replacement of vehicles. Teachers' retirement is an additional required cost to retain the teacher retirement fund at the statutory level. Driver Education represents the Public School System's share of cost for increased license permits as prescribed by Public Law. Also included is an amount for vehicle replacement made obsolete due to normal depreciation due to age and mileage.

PERSONNEL ADVANCEMENTS AND INFLATION OF NON-PERSONNEL COSTS

Personnel Advancements

The Budget for FY 1973 includes mandatory costs in the amount of \$4.8 million. Over three million dollars of the mandatory costs represent increased costs for the same level of productivity since the amount represents step increases or within-grade advancements for existing personnel. Mandatory operating costs also include salaries and related benefits for positions presently authorized and which are expected to be filled in FY 1973; within-grade advancements or step increases; reallocations through redirection and reprogramming; and annualizations and staffing for new facilities that will become operational in FY 1973. They do not include price increases, projected overtime, or pay raises.

Inflation of Non-Personnel Costs (4.3%)

In addition to the \$3.3 million, there are other inflationary costs. For example, the same textbook costing \$10.00 each in FY 1972 will cost approximately \$11.50 in FY 1973. The cost of educational equipment has increased as much as 20 percent for certain items. Utility rate increases for heat, light, and power also requires a considerable increase over the previous year. The electric companies in the area are requesting a 20 percent rate increase with an interim of 9 percent. Coal has increased approximately \$3.00 a ton while certain oils have increased nearly 4 cents a gallon effective January 1, 1972. (No. 6 fuel oil increased from 8 cents per gallon to 11.96 cents per gallon, or nearly 50 percent). Transportation costs in the United States are up nearly 7 percent from August 1970 to August 1971.

This \$3.3 million amount is a rather imprecise figure based upon the increase in the Consumer Price Index from May, 1970 through May, 1971 of 4.3 percent. It was assumed that inflation will continue at that rate and that the average price increase in non-personnel goods and services will remain at that level through FY 1973. Some items will undoubtedly increase in cost by more than this amount.

Calculations were based upon the FY 1972 non-personnel appropriation request as contained in the FY 1972 budget for such items as travel, rent, utilities, etc. These items were then increased by 4.3 percent as stated above. This is a rather important factor in the budgeting picture, particularly regarding the cost of certain services. For example, the Public Schools annually purchase approximately \$5 million in maintenance services from the D.C. Government on a cost basis. When salary increases are provided for Wage Board and General Schedule personnel, the cost of these maintenance services increases dramatically. However, since these are not our agency personnel, there are no automatic appropriations to cover this cost. Consequently, such salary increases operate to reduce the amount of maintenance services that can be purchased for \$5 million and are therefore becomes a cause for program reduction.

Additionally, the maximum per diem rate for consultants has been increased from \$100 to \$121, or 20 percent. Assuming all consultants were paid at the maximum rate, this increase would operate to reduce the amount of consultants services by 20 percent unless there were a commensurate increase in funding for this item. The same holds true of substitutes and other goods and services included in this category.

REDIRECTIONS AND REPROGRAMMING

Because of at least two factors, it is necessary to provide some mechanism for adjusting the budget during the operating year. (1) One factor is that budget planning begins 18 months before the budget is to be implemented and is prepared under conditions of uncertainty. (2) There are acts of Congress, price changes, inflationary costs and program changes which are not known at the time of budgeting and thereby not included in the original budget request. Therefore, there are established authorized procedures for reprogramming and redirection.

In the FY 1972 Budget schools redirected \$9.9 million. These funds were redirected to provide for priority services and to cover mandatories cost not met by increases approved by Congress.

PER PUPIL EXPENDITURE

The per pupil expenditures often quoted as an index of quality education is a ratio of expenditures to pupils. This ratio therefore is influenced not only by cost increases but also changes in the number of pupils (ADM).

In FY 1973 the per pupil expenditure will increase as a result of increased expenditure costs as cited. The per pupil expenditure will also increase as the number of pupils served decreases. However, for FY 1973 this aspect is minimal since there is a slight reduction in the population.

POPULATION SERVED

In FY 1973, the D. C. Public School system expects to serve a pupil enrollment of about 137,200 (excluding 3,000 pre-kindergarten pupils). This enrollment represents a small decline from the FY 1972 enrollment. It also reflects the continual decline in enrollment from a peak enrollment in 1970. Between 1960 and 1970, the total pupil school membership increased about 20 percent. It decreased in 1971 and is projected to decline by 12 percent by 1975 from its FY 1970 peak. This decrease is principally due to a projected decline in elementary school enrollment. Secondary enrollment is expected to remain fairly constant throughout this same period of time.

The school pupil enrollment increased over the past decade while the District of Columbia population decreased. However, the school system's budgets increased at a much slower rate than did the budgets for the District of Columbia.

SPECIAL EDUCATION

Special Education Program Thrusts for 1973

The child who is affected by a handicapping condition, whether it be physical, intellectual, emotional, cultural, or environment, must be provided equality of opportunity within our school system. The goal of special education is to provide such children the opportunity to achieve their maximum potential, no matter how meager or great that might be.

Special education must as its major objectives: (a) continue the programs of services made possible by increased appropriations in FY 1972; (b) expand programs not now available to District of Columbia students; (c) provide increased supervision and support services to teachers of exceptional children; and (d) strengthen the quality of special educational programs and services.

The FY 1973 budget alternative for special education permits the achievement of the objectives stated above in a consistent manner. Scope, quality and coordination of services remain crucial areas of concern.

The 1972 budget allocation permitted :

- a. An increase in the scope of program for trainable retarded students and an increase in the quality of services to blind students.
- b. An improvement in the quality of placement services for all students, including a needs assessment, adequate records, and parental counseling.
- c. A strengthening of local school management and instructional supervision.

d. A doubling of the number of educational aides available in classrooms.

e. The initiation of a new recruitment and staff development program.

f. The initiation of good quality services to emotionally disturbed (Title III funds involved) and learning disabled students.

Specific program thrusts contained in the allocations requested for FY 1973 are:

a. An increase of services to students with specific learning disability by doubling the number of students in special education programs.

b. An increase of services for early childhood education of the handicapped.

c. An improvement of the quality of services now offered to blind and trainable mentally retarded students.

d. Provision for a fully adequate part-time special education program for MIND students.

The chart shows the numbers of students and staff for three years of special education funding. Past, existing and projected staff positions and children to be served are shown for the 32% budgetary increase requested for 1973.

Unmet needs will always remain insofar as adequate special education services are concerned. The budget allocations already received in FY 1972 and requested in 1973, along with more efficient management of existing funds will adequately provide for the immediate known crisis of approximately 1500-1700 children. The long range

and total need remains speculative but nevertheless quite real in the District of Columbia. Scope of services (Number of students who will require special educational services at any given time) remains well into the 18,000 - 20,000 range. Costs will vary depending upon type of service to be offered, degree of integration into regular program, and necessity for transportation. The largest unserved group remains the so-called educable mentally retarded student. To adequately serve this student an additional \$14.0 million would be required for an ideal program. The next target group would be the so-called emotionally disturbed student. To adequately serve this student an additional \$9.0 million would be required for an ideal program.

These are, of course, predictions and must remain so in the absence of some qualitative concerns which have great potential for serving large numbers of students in a fiscally responsible manner. Primary and secondary intervention, staff development programs for teachers, and basic curriculum revision all hold forth greater potential for helping handicapped students than the straight out provision for traditional special education as for tuition grants.

Special Education Budget

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FEDERAL PROGRAMS

FEDERAL PROGRAMS

review

Federal Programs in the District of Columbia schools now constitute an overall expenditure of nearly \$30,000,000 and account for more than 13% of the system's total operating budget. The funding for these programs is highly categorized and must be expended only in accordance with guidelines set forth by various legislative enactments and under the strict supervision of authorized Federal agencies.

In general these funds provide reinforcement for the entire spectrum of educational activity, but they must clearly be shown to supplement the normal school system's effort and ordinarily cannot supplant expenditures from regular budget funds.

Federal funds are granted to be utilized in projects for economically disadvantaged and handicapped students, library resources, research activities, dropout prevention, bilingual education, specialized learning equipment, guidance services, staff development, vocational education, innovational techniques, strengthening State departments of education, and other related efforts.

The Department of Federal Programs is charged with the responsibility of monitoring Federal program activity not only to assure that the technical requirements of each grant are fully met, but that the needs and goals of the school system as a whole are served in the process. The all encompassing objective is one of a quality, equitable educational offering for all students.

PROGRAM	STATE PLAN OR GRANT APPLICATION	DESCRIPTION	FY 1972 ALLOCATION
Reading Research Utilization	Grant Application	Translating Research Into Educational Practice at the Instructional Level by Making Target Personnel More Knowledgeable About Research Findings and How These Findings May be Utilized in Day to Day Teaching and Supporting Activities	\$ 87,116
K-12 Career Development Exemplary Program	Grant Application	Career Development Will Be Phased In as an Integral Part of a Relevant Program of Education For All Levels of Instruction	\$ 110,748
Diagnostic and Prescriptive Center	Grant Application	In Conjunction With Right To Read, the Center Provides Gross Analysis and Remedial Techniques Detailed for Children in Grades K-Two in Sixteen Elementary Schools	\$ 235,000
Bull's-Eye, Adult Demon- stration Center	Grant Application	Auditory Reading Development System Designed to Develop, Test, and Disseminate Methodology and Materials For a New System of Teaching Adults to Raise Reading Levels	\$ 75,000
Non-Food Assistance Program	Grant Application	Finances Food Service Equipment in Schools in Low Income Areas to Improve Child Nutrition	\$ 84,171
Dunbar Internship in Education	Grant Application	Provides Meaningful Employment for Socio-Economically Deprived Students, Career Counseling, Academic Support to Motivate Students to Finish High School	\$ 86,704
Summer Earn and Learn Program	Grant Application	Provides For Payments to Summer School Students From Low Income Families to Enhance Interest in Remaining in School	\$ 554,050
Electronic Surveillance Systems	Grant Application	Provides Alarm Systems in Schools to Act as Deterrents to Illegal Entries	\$ 80,490

FEDERAL PROGRAM GRANTS TO DISTRICT SCHOOLS

FY 1972

PROGRAM	STATE PLAN OR GRANT APPLICATION	DESCRIPTION	FY 1972 ALLOCATION
Special Milk Program	State Plan	Provides Milk to Supplement the Diet of Children in D.C. Public Schools	\$ 624,441
Model Cities	Grant Application	Supports the Harrison Community School	\$ 463,154
Follow-Through	Grant Application	Supports the Development of a Systematic Program of Early Childhood Education	\$ 405,750
Spanish-Speaking Community	Grant Application	Program is Aimed at Latin American Residents of D.C. Who need to Learn or Improve Their Use of the English Language	\$ 125,000
Impact Aid P.L. 81-874	Grant Application	Provides Support to School Systems Enrolling Children Whose Parents are Employed On or Live On a Tax Exempt Government Facility	\$5,896,000
Manpower Development and Training Act	State Plan	Provides Appropriate Training for Alleviating Manpower Shortages, Unemployment and Under- employment	\$1,397,159
Work Incentive	Grant Application	Provides Academic Upgrading and Work Training for Unemployed But Employable Welfare Recipients	\$ 352,110
Work Scholarship, Neighborhood Youth Corps	Grant Application	Provides Part-Time Employment for Students from Low Income Families, Thus Enhancing Their In- terest in Remaining in School	\$ 615,450
Pre-School OEO	Grant Application	Provides a Pre-kindergarten Experience for Culturally Disadvantaged Children	\$1,024,913

PROGRAM	STATE PLAN OR GRANT APPLICATION	DESCRIPTION	FY 1972 ALLOCATION
Education Professions Development Act - Part B-2	State Plan	Attracting and Qualifying Teachers and Teacher Aides	\$ 105,610
Education Professions Development Act Part F	Grant Application	Training and Development Programs for Vocational Education Personnel	\$ 296,725
Education Professions Development Act Part D	Grant Application	Improving Training Opportunities for Personnel Serving in Programs of Educa- tion Other Than Higher Education	\$ 843,046
P.L. 85-926	State Plan	Fellowships For Teachers of Handicapped Children	\$ 64,395
P.L. 89-313	Grant Application	Aid to Children in Schools for Handicapped	\$ 483,000
P.L. 89-750	Grant Application	Assistance to Children in State Institu- tions for the Neglected and Delinquent	\$ 385,000
Agriculture Act of 1969	State Plan	Expands the Services for Feeding Needy Children	\$ 450,020
National School Lunch Program	State Plan	Assists State Educational Agencies in Pro- viding Adequate School Lunches; Subsidizes Lunch Costs for Needy Children	\$1,401,310
Pilot Breakfast Program	State Plan	Provides Free Breakfast for Needy Elementary School Children	\$ 64,547

*All data reported as of October 1971

PROGRAM	STATE PLAN OR GRANT APPLICATION	DESCRIPTION	FY 1972 ALLOCATION
ESEA, TITLE I	State Plan	Compensatory Education for Educationally Disadvantaged Children in Low Income Areas	\$7,052,076
ESEA, TITLE II	State Plan	Acquisition of School Library Resources, Textbooks and Other Instructional Materials	\$ 291,472
ESEA, TITLE III	State Plan	Supplementary Education Centers and Innovative Educational Programs	\$ 807,169
ESEA, TITLE IV	Grant Application	Anacostia School Project (Demonstration Project in Urban Education)	\$2,250,000
ESEA, TITLE IV (Section 402)	State Plan	Planning and Evaluation of Federally Funded Educational Programs	\$ 67,000
ESEA, TITLE V	State Plan	Strengthening State Departments of Education	\$ 301,195
ESEA, TITLE VI	State Plan	Developmental Center For Special Education	\$ 200,000
NDEA, TITLE III	State Plan	Strengthening Elementary and Secondary Instruction	\$ 130,287
Vocational Education	State Plan	Improvement of Vocational Education	\$1,351,228
Adult Basic Education	State Plan	Expansion of Basic Educational Programs to Enable Adults to Overcome English Language Limitations	\$ 282,806
Teacher Corps Portal Schools EPDA - B-1	Grant Application	To Train High Quality Teachers in the Improvement of Educational Opportunities for Children in Low Income Areas	\$ 371,200

*All data reported as of October 1971

FEDERAL GRANTS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

AMOUNT OF FUNDING: \$5,896,000 *
(FY 72)

B. GRANT: Impact Aid

PURPOSE: Impact Aid funds are provided for school districts with large numbers of school children whose parents work on and/or live on non-taxable Federal properties.

LEGISLATION: P. L. 81-874

BASIS FOR ALLOCATION: The District Schools conduct a system-wide survey each year in the Fall to determine where parents of school children work and live. Information is gathered on every student. Enrollment of children whose parents are actually employed on a tax-exempt government facility or who live on such a facility is the basis for receipt of Impact Aid funds. The District's regular per pupil expenditure controls the amount received for each Federally connected student.

DESCRIPTION OF PROGRAM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS: The Board of Education has approved a number of schools comprising about 50% of the total school enrollment as "Impact Aid Schools". The large majority of Impact Aid funds have been allocated to instructional services in these schools. These funds have also been useful in strengthening administration, in areas that are difficult to strengthen through normal budgetary procedures.

A large number of special programs have been financed with Impact Aid funds. The Work Scholarship Program for under-16 aged children, was developed with these funds. Impact Aid matched Federal NDEA funds to finance the study to develop and automatic data processing system. This study has been completed by Systems Development Corporation and is now being implemented. A "Crash" program to bring the supply of textbooks to a fully satisfactory level so that they could be maintained by regular appropriations was one of the first special uses of the Impact Aid funds.

The relatively flexible authority over the use of Impact Aid funds also carries an obligation in controlling these funds. The Impact Aid receipts are deposited in a separate account with the District Government. A cash balance must always be available to cover the payrolls and other expenditures. This year we are using all of the Cash flow from FY 71 in the FY 72 Impact Aid Budget, which means that the FY 73 Impact Aid Budget must be cut back \$3.6 million.

* Does not include \$3,632,232 in FY 1971 funds. Total FY 1972 budget \$9,528,232.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

**FEDERAL RIGHTS
under SCHOOL
DESEGREGATION
LAW**

CCR Clearinghouse Publication—Number 6

June 1966

The United States Commission on Civil Rights, an independent, bipartisan agency established by the Civil Rights Act of 1957, and as amended in 1960 and 1964, is authorized to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Investigate allegations of vote fraud; and
- Submit interim reports and a final and comprehensive report of its activities, findings, and recommendations to the President and the Congress.

The Civil Rights Act of 1964 also directs the Commission to serve as a national clearinghouse for civil rights information. This publication is issued by the Commission as part of its clearinghouse function. The questions contained in this publication were those most frequently asked by persons who attended a series of nine conferences on school desegregation in Southern and border States. The conferences were sponsored by State Advisory Committees to the Commission.

INTRODUCTION

The Civil Rights Act of 1964 forbids racial discrimination in any activity or program that receives financial support from the Federal Government. This means that public school systems which receive Federal funds must administer educational programs without racial distinctions if they are to continue to receive Federal money. Title VI of the Civil Rights Act of 1964 requires that racial discrimination be eliminated from classrooms, school sponsored projects outside the classrooms, services to pupils, educational facilities, hiring and assignment of faculty, and parents' participation in appropriate school activities.

In March 1966, the U.S. Office of Education published a *Revised Statement of Policies for School Desegregation Plans Under Title VI of the Civil Rights Act of 1964*. The Revised Statement of Policies superseded the *General Statement of Policies . . . Respecting Desegregation of Elementary and Secondary Schools* the Office of Education issued in April 1965. Under the new Guidelines for School Desegregation, local Boards of Education must assume the responsibility for making the changes that will desegregate their school systems. All desegregation plans must be approved by the U.S. Office of Education.

Local school boards usually select one of two plans for desegregating schools. The most widely used plan is called "Freedom of Choice". The other is known as the "Geographic Attendance Zone Plan".

Under the Freedom of Choice Plan, students are given the opportunity once a year to choose the school they wish to attend. Each year, several months before the beginning of the new school term, the Board of Education must send students and their parents a letter explaining the particular plan under which the district's schools are being desegregated. The letter must inform the students and their parents that they may choose the school they wish to attend. It must list the schools in the district, their location, and the grades covered. The parents and students should return the name of the school they select to the office of the school superintendent within 30 days after receipt of the letter. Students who are 15 years old or who will enter Grades 9 through 12 in the following school year may make their own choice of a school to attend under the Freedom of Choice Plan unless the parents wish the student to make a different choice.

If no choice is indicated, the student will be assigned without regard to race to the school nearest his home that has space for

WHAT IF MY CHILD IS ENTERING THE SCHOOL SYSTEM FOR THE FIRST TIME IN A GRADE THAT IS NOT COVERED BY THE CURRENT “FREEDOM OF CHOICE” PLAN?

He may attend the school of his choice.

HOW WILL I KNOW IF MY SCHOOL DISTRICT HAS A “FREEDOM OF CHOICE” PLAN?

Most school districts in the South use “Freedom of Choice” plans. If the district is under this plan, each pupil and his parents will receive a letter in the spring explaining their rights under the plan, a Choice of School Form, and a notice explaining the plan.

WHAT WILL THE “FREEDOM OF CHOICE” LETTER SAY?

It will ask parents and pupils to choose a school within 30 days. The choice form will list all schools (white and Negro) that you may choose from, their grades, and locations. The notice will explain the plan in detail. The letter will come from your school superintendent in the spring.

MAY THE “FREE CHOICE” FORMS WHICH ARE SENT TO PARENTS AND STUDENTS CONTAIN ANY QUESTIONS OTHER THAN THOSE PRESCRIBED BY THE OFFICE OF EDUCATION?

No.

MAY RACE BE ASKED ON THE “FREE CHOICE” FORMS?

Yes.

WHY MAY RACE BE ASKED ON THE “FREE CHOICE” FORMS?

Race may be asked on the “Free Choice” forms so that the school district can report to the Office of Education on the progress made in desegregating schools. It cannot be used for assignment or intimidation.

ARE THE REPORTS ON PUPIL AND TEACHER DESEGREGATION AVAILABLE TO THE PUBLIC?

Yes. You can see these reports at the office of the superintendent. He is required by the Guidelines to show them to you.

TO WHOM SHOULD THE “FREE CHOICE” FORMS BE RETURNED?

“Free Choice” forms should be returned to the superintendent. If you receive a return envelope addressed to the principal, or instructions to return your form to the principal, this is a violation of the Guidelines and should be reported to the Equal Educational Opportunities Program, U.S. Office of Education, Washington, D.C., 20202.

WILL THE "FREE CHOICE" FORMS BE KEPT BY THE SUPERINTENDENT?

Yes. They must be kept for three years.

WILL STUDENTS WHO RETURN THEIR FORMS EARLY HAVE A BETTER CHANCE OF GETTING INTO THE SCHOOL OF THEIR CHOICE?

No. All letters must be mailed to parents on the first day of the choice period. There can be no preference given to those who return their forms early in the 30-day period.

CAN THE CHILD CHOOSE HIS OWN SCHOOL?

Yes, if he is 15 years old or will enter Grades 9, 10, 11, or 12 the following year unless his parents wish to make a different choice.

MAY PREFERENCE BE GIVEN TO CHOICES OF CHILDREN WHO CHOOSE SCHOOLS IN WHICH THEY WILL BE A MINORITY?

Yes, if the school district so desires. But no preference can be given to children who will be in the majority.

WHAT IF I DON'T RETURN THE CHOICE FORM DURING THE 30-DAY CHOICE PERIOD?

You may return it at any time before the child begins school next year. If the form is not filled out by the end of the first week of school, the child will be assigned to the school nearest his home where space is available, without regard to race. Preference will be given to students who return the form during the 30-day choice period.

DOES FAILURE TO EXERCISE CHOICE GUARANTEE ASSIGNMENT TO THE NEAREST SCHOOL—WHITE OR NEGRO?

Only if there is space. The child will be assigned to the nearest school (white or Negro) that has space.

WHEN MORE CHILDREN CHOOSE A SCHOOL THAN THE SCHOOL CAN ACCOMMODATE, WHICH CHILDREN WILL BE ASSIGNED THERE?

Those who live nearest the school.

DOES THE OFFICE OF EDUCATION SET A STANDARD FOR OVER-CROWDING?

No, this is left to the school district. But the standard must be applied equally.

CAN A TEACHER OR PRINCIPAL TELL ME WHICH SCHOOL TO CHOOSE?

No. You and your child decide which school he will choose. Teachers, principals, and other school officials cannot tell you which school to choose or influence your choice in any way.

CAN MY CHILD'S NAME BE PRINTED IN THE NEWSPAPER OR PUBLICIZED IF I CHOOSE A WHITE SCHOOL?

No. It is a violation of Federal regulations to publicize information about choices made by individual students or about the schools to which they are assigned.

WHAT IF ONLY A FEW NEGRO CHILDREN ENTER WHITE SCHOOLS IN MY SCHOOL DISTRICT UNDER A "FREEDOM OF CHOICE" PLAN?

If your school district has a sizable percentage of Negro children and few of them are in white schools, the Federal government can require the school district to take additional actions to desegregate, such as holding a new choice period, increasing teacher desegregation, or putting into effect some other kind of plan.

IF NO WHITE CHILDREN APPLY TO NEGRO SCHOOLS, WHAT WILL HAPPEN TO THOSE NEGRO SCHOOLS?

There are three possibilities: (1) some white children may be assigned to them to avoid overcrowding in the white schools; (2) they may remain all-Negro; (3) they may be closed down and the students reassigned to other schools.

TO BE IN COMPLIANCE WITH THE GUIDELINES, MUST THERE BE SOME CHILDREN OF BOTH RACES IN EACH SCHOOL?

No. The Guidelines call for some racial integration within the school system, but not necessarily within each school.

WHAT CAN BE DONE ABOUT REMAINING NEGRO SCHOOLS THAT ARE INFERIOR TO WHITE SCHOOLS?

A lawsuit may be brought under the 14th Amendment to bring about equality. Also, a complaint should be made to the Equal Educational Opportunity Program, U.S. Office of Education, Washington, D.C., 20202.

WHAT IS THE MINIMUM REQUIREMENT FOR PUPIL DESEGREGATION?

There is no minimum requirement. The Guidelines call for “reasonable progress”.

II. COURT ORDERS

WHAT IS A SCHOOL DESEGREGATION COURT ORDER?

A School Desegregation Court Order is the instruction given by a court after a school district has been sued and found to have been maintaining segregated schools. It tells the school district what it must do to achieve desegregation.

WHAT IF THE SCHOOL DISTRICT DECIDES TO DO WITHOUT FEDERAL MONEY AND CONTINUES TO HAVE SEGREGATED SCHOOLS?

The law requires a school district to desegregate whether or not it receives Federal money. If a school district has been sued and ordered to desegregate, it must obey the court's order. If it has not been sued, one or more parents with a child attending school in that district, either by themselves or assisted by an organization, can sue a school district to force it to desegregate. If a parent cannot afford to sue, cannot get a lawyer, or is otherwise unable to sue, he may make a complaint to the Civil Rights Division, U.S. Department of Justice, Washington, D.C., 20530, and ask the Federal Government to sue.

HOW DO I FIND OUT IF MY SCHOOL DISTRICT IS UNDER COURT ORDER?

To find out about your district, write to the Office of Education, Washington, D.C., 20202 or the Department of Justice, Washington, D.C., 20530.

HOW DO I FIND OUT WHAT MY SCHOOL DISTRICT MUST DO UNDER THE COURT ORDER?

Since court orders are often hard to understand, you might ask a lawyer to explain it to you. He, or you, can get a copy from the Clerk of the Federal Court for a fee.

IS THERE LIKELY TO BE MORE DESEGREGATION UNDER A “FREE CHOICE” PLAN THAN UNDER A COURT ORDER?

There is often more desegregation under a “free choice” plan since court orders often fall short of the requirements of the Guidelines.

III. VIOLATIONS AND COMPLAINTS

WHAT CAN I DO IF LOCAL OFFICIALS DO NOT OBEY THE DESEGREGATION PLAN OR COURT ORDER?

You may make a complaint to the Civil Rights Division, U.S. Department of Justice, Washington, D.C., 20530 and to the Equal Educational Opportunities Program, U.S. Office of Education, Washington, D.C., 20202.

HOW DO I KNOW WHETHER TO SEND MY COMPLAINT TO THE OFFICE OF EDUCATION OR THE DEPARTMENT OF JUSTICE?

To be sure it gets to the right agency, send the same information to both.

WHAT INFORMATION SHOULD BE IN THE COMPLAINT?

The complaint can be a letter. It should contain the facts you are complaining about, including the names and addresses of the schools and people involved, dates of incidents, and any other details that you are able to give.

DO I HAVE TO SIGN THE COMPLAINT?

You must sign all complaints to the Department of Justice but it is not necessary to sign complaints to the Office of Education. However, it makes it easier for them to investigate if they know who complained. If you do not wish to give your name, just write out what happened and mail it without signing it.

WILL NAMES OF PERSONS MAKING A COMPLAINT BE DISCLOSED BY THE OFFICE OF EDUCATION?

No, not without consent of the person complaining.

CAN I COMPLAIN TO THE OFFICE OF EDUCATION BY TELEPHONE?

Yes. The number in Washington, D.C. is (202) 962-0333. Ask for the Equal Educational Opportunities Office and tell them you have a complaint.

WHERE ELSE MAY I SEND A COPY OF MY COMPLAINT?

You may send a copy of your complaint to the U.S. Commission on Civil Rights, Washington, D.C., 20425. You should also keep a copy for yourself.

AFTER MAKING A COMPLAINT, WHAT KIND OF RESPONSE SHOULD I EXPECT?

You should expect a letter acknowledging that your complaint has been received. In some cases, a Federal representative may come to discuss it with you. He will have identification to show that he is a Federal representative. In other cases, he may telephone you.

WHAT IF I RECEIVE NO ANSWER?

If you do not receive an answer within a reasonable period of time, you should write or call Washington again to see if your complaint has been received and what is being done about it.

IV. PROTECTION

WHAT KIND OF PROTECTION SHOULD I EXPECT FOR MY FAMILY IF I AM ONE OF THE FIRST TO SEND MY CHILD TO A WHITE SCHOOL?

The local school authorities are responsible for protecting persons exercising rights under the plan, or affected by it, from interference by students or staff members. Such protection must be given both on and off the school grounds. If the local officials cannot provide necessary protection, they must seek assistance from other officials.

WHAT IF WE DO NOT RECEIVE PROTECTION FROM LOCAL AUTHORITIES?

Notify the nearest FBI office. Also, make a complaint to the Civil Rights Division, Department of Justice, Washington, D.C., 20530 and to the Equal Educational Opportunities Program, Office of Education, Washington, D.C., 20202.

V. NEWLY DESEGREGATED SCHOOLS

WHAT ABOUT TRANSPORTATION TO SCHOOL?

Whatever transportation is provided for white children must also be provided for Negro children.

IF TRANSPORTATION IS PROVIDED FOR CHILDREN IN WHITE OR INTEGRATED SCHOOLS, MUST IT ALSO BE PROVIDED FOR CHILDREN IN ALL-NEGRO SCHOOLS WHO LIVE THE SAME DISTANCE FROM SCHOOL?

Yes.

WHAT SHOULD I EXPECT IN THE WHITE SCHOOLS IN TERMS OF DESEGREGATION OF FACILITIES, SERVICES, AND ACTIVITIES?

The law says that there can be no discrimination in school facilities, services, and activities. This includes sports participation, social and educational activities, drinking fountains, washrooms, lunchrooms, classroom seating, auditoriums, locker rooms, use of materials, buses, etc. Also, Negro parents may attend PTA meetings, commencement exercises, and all other school events.

MAY NEGRO SCHOOLS BE GIVEN DIFFERENT VACATIONS (TO PICK COTTON FOR EXAMPLE) FROM WHITE SCHOOLS?

No.

ATHLETIC RULES OFTEN REQUIRE THAT A STUDENT ATTEND A SCHOOL FOR ONE YEAR BEFORE PARTICIPATING IN SPORTS. CAN THIS RULE BE APPLIED TO CHILDREN WHO TRANSFER UNDER A "FREE CHOICE" PLAN?

No, not if the student is attending school on a desegregated basis for the first time as a transfer student.

IF, UNDER CERTAIN CIRCUMSTANCES, A STUDENT WHO TRANSFERS FROM ONE SCHOOL TO ANOTHER LOSES CERTAIN PRIVILEGES, CAN THIS BE APPLIED TO CHILDREN WHO TRANSFER UNDER A "FREE CHOICE" PLAN?

No, not if the student is attending school on a desegregated basis for the first time as a transfer student.

WHAT IF MY CHILD IS TREATED BADLY AND INSULTED IN A NEWLY DESEGREGATED SCHOOL BY TEACHERS AND OTHER STUDENTS?

It is the responsibility of school officials to see that these things do not happen. You can make a complaint to the local school officials or to the Equal Educational Opportunities Program, U.S. Office of Education, Washington, D.C., 20202 or to the Civil Rights Division, U.S. Department of Justice, Washington, D.C., 20530 or to all of these.

WHAT WILL HAPPEN TO NEGRO TEACHERS AS SCHOOLS ARE DESEGREGATED?

It is a violation of Federal regulations for a school system to dismiss, demote, or pass over teachers for retention, promotion, or rehiring because of race. If a teacher must be replaced because of desegregation, no teacher from outside the system can be brought in unless the displaced teacher is not qualified to fill the vacancy. If the district is going to have fewer teachers because of desegregation, it must retain those who are best qualified regardless of race. In cases where teachers need to upgrade their skills, the Federal Government finances programs to train them to be better teachers.

WHO IS RESPONSIBLE FOR TEACHER DESEGREGATION?

The superintendent and school boards have the responsibility for hiring and assigning teachers. They are required to desegregate teaching staffs. A Negro teacher who wishes to be assigned to a white school can so advise the proper school officials in the district.

WHAT CAN BE DONE ABOUT DIFFERENT SALARIES FOR WHITE AND NEGRO TEACHERS?

It is a violation of the Constitution for school authorities to make race a factor in determining salaries. A teacher or a group of teachers or a teachers' organization can sue the school officials to force them to equalize pay. The U.S. Attorney General can join in the suit.

DO THE GUIDELINES INCLUDE DESEGREGATION OF THE SCHOOL DISTRICT STAFF OTHER THAN TEACHERS?

Yes. They include desegregation of all School District Staff who work directly with the Educational Program.

APPENDIX

REVISED STATEMENT OF POLICIES FOR SCHOOL DESEGREGATION PLANS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

March 1966

**U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Education**

Revised Statement of Policies for School Desegregation Plans Under Title VI of the Civil Rights Act of 1964

(Superseding the General Statement of Policies Issued in April 1965—45 CFR, Part 181)

Subpart A—Applicability of This Statement of Policies

§ 181.1 Title VI and the HEW Regulation

Section 601 of Title VI of the Civil Rights Act of 1964 provides that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

As required by Section 602 of Title VI, the Department of Health, Education, and Welfare has issued a Regulation to assure the elimination of discrimination in Federal aid programs it administers. The HEW Regulation was published as Part 80 of Title 45, Code of Federal Regulations (45 CFR Part 80).

§ 181.2 Compliance by School Systems Eliminating Dual School Structure

To be eligible for Federal aid, a school system must act to eliminate any practices in violation of Title VI, including the continued maintenance of a dual structure of separate schools for students of different races. The HEW Regulation recognizes two methods of meeting this requirement: (1) a desegregation order of a Federal court; or (2) a voluntary desegregation plan.

§ 181.3 Purpose of This Statement of Policies

This Statement of Policies applies to public elementary and secondary school systems undergoing desegregation to eliminate a dual school structure. It sets forth the requirements which voluntary desegregation plans must meet for the Commissioner to determine under the HEW Regulation that a plan is adequate to accomplish the purposes of Title VI. This Statement supersedes the "General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools," issued in April 1965 and published as 45 CFR Part 181.

§ 181.4 Initial Demonstration of Compliance

To be eligible for Federal aid, a school system must first assure the Commissioner that it will comply with Title VI and the HEW Regulation. It must submit the form of assurance that meets its circumstances, under §§ 181.5, 181.6, or 181.7 below.

§ 181.5 Systems Without Dual School Structure

(a) *Submission of Form 441.* A school system which does not maintain any characteristic of a dual school structure may initially demonstrate compliance by submitting HEW Form 441. This is an assurance of full and immediate compliance with Title VI.

(b) *Resubmission Not Required.* A school system which has appropriately submitted HEW Form 441 need not submit a new copy with subsequent requests for Federal aid, but need only affirm when requested that the assurance submitted continues in effect.

(c) *Supplementation of Assurance.* The Commissioner may require supplementation of HEW Form 441 when he has reasonable cause to believe that there is a failure to comply with any provision of Title VI or the HEW Regulation.

§ 181.6 Systems Under Federal Court Order for Desegregation

(a) *Submission of Order.* A school system under a Federal court desegregation order which meets the requirements of the HEW Regulation may submit, as evidence of compliance with Title VI, a copy of the court order, together with an assurance that it will comply with the order, including any future modification.

(b) *Resubmission Not Required.* A school system under a court order accepted by the Commissioner need not submit another copy, but must submit any modification not previously submitted.

(c) *Revision of Court Orders.* A school system under a court order for desegregation which is not in accord with current judicial standards is subject to legal action by the Department of Justice, or by the parties to the original suit, to modify the order to meet current standards.

§ 181.7 Systems With Voluntary Desegregation Plans

(a) *Submission of Form 441-B.* A school system with a voluntary desegregation plan must provide an assurance that it will abide by the applicable requirements for such plans contained in this Statement of Policies. Such assurance may be given by submitting HEW Form 441-B to the Commissioner. After April 15, 1966 commitments of funds for new activities will be subject

to deferral for school systems which have failed to submit HEW Form 441-B.

(b) *Changing Type of Plan.* A school system may change from one type of desegregation plan to another if such action would eliminate segregation and all other forms of discrimination more expeditiously. A school system planning to change the type of its plan must submit a new plan meeting the requirements of this Statement of Policies, together with HEW Form 441-B, for a determination by the Commissioner as to the adequacy of the plan to accomplish the purposes of Title VI.

(c) *Retaining Present Type of Plan.* A school system with a desegregation plan accepted by the

Commissioner need not resubmit its plan if it intends to continue under the same type of plan. If a plan accepted by the Commissioner fails to meet any requirement under this Statement of Policies, the submission of HEW Form 441-B will be deemed to amend the plan so that it will meet such requirement. Amendments to the plan are not to be submitted unless requested. However, certain supporting materials must be submitted, as provided in Subparts B, C, D, and F below.

(d) *Initial Submittal of Plans.* If no desegregation plan has been submitted or accepted for a school system, HEW Form 441-B and a plan meeting the requirements of this Statement of Policies must be submitted.

[§§ 181.8 through 181.10 reserved]

Subpart B—Basic Requirements for All Voluntary Desegregation Plans

§ 181.11 Various Types of Desegregation Plans

It is the responsibility of a school system to adopt and implement a desegregation plan which will eliminate the dual school system and all other forms of discrimination as expeditiously as possible. No single type of plan is appropriate for all school systems. In some cases, the most expeditious means of desegregation is to close the schools originally established for students of one race, particularly where they are small and inadequate, and to assign all the students and teachers to desegregated schools. Another appropriate method is to reorganize the grade structure of schools originally established for students of different races so that these schools are fully utilized, on a desegregated basis, although each school contains fewer grades. In some cases desegregation is accomplished by the establishment of non-racial attendance zones. Under certain conditions, a plan based on free choice of school may be a way to undertake desegregation. In certain cases the purposes of Title VI may be most expeditiously accomplished by a plan applying two or more of the foregoing procedures to certain schools or different grade levels. Based on consideration of all the circumstances of a particular school system, the Commissioner may determine that its desegregation plan is not adequate to accomplish the purposes of Title VI, in which case he may require the adoption of an alternative plan. In any case where the State education agency is pursuing policies and programs for expediting the elimination of the dual school structure, the Commissioner will consider this factor in determining whether a particular type of plan is adequate for any given school system in such State.

§ 181.12 Student Assignment Practices

Title VI precludes a school system from any action or inaction designed to perpetuate or promote segregation or any other form of discrimination, or to limit desegregation or maintain what is

essentially a dual school structure. Any educational opportunity offered by a school system must be available to students without regard to race, color, or national origin. In particular, any academic tests or other procedures used in assigning students to schools, grades, classrooms, sections, courses of study or for any other purpose must be applied uniformly to all students without regard to race, color, or national origin. Curriculum, credit and promotion procedures must not be applied in such a way as to penalize or hamper students who transfer from one school to another pursuant to a desegregation plan.

§ 181.13 Faculty and Staff

(a) *Desegregation of Staff.* The racial composition of the professional staff of a school system, and of the schools in the system, must be considered in determining whether students are subjected to discrimination in educational programs. Each school system is responsible for correcting the effects of all past discriminatory practices in the assignment of teachers and other professional staff.

(b) *New Assignments.* Race, color, or national origin may not be a factor in the hiring or assignment to schools or within schools of teachers and other professional staff, including student teachers and staff serving two or more schools, except to correct the effects of past discriminatory assignments.

(c) *Dismissals.* Teachers and other professional staff may not be dismissed, demoted, or passed over for retention, promotion, or rehiring, on the ground of race, color, or national origin. In any instance where one or more teachers or other professional staff members are to be displaced as a result of desegregation, no staff vacancy in the school system may be filled through recruitment from outside the system unless the school officials can show that no such displaced staff member is qualified to fill the vacancy. If as a result of desegregation, there is to be a reduction in the total professional staff of the school system, the quali-

cations of all staff members in the system must be evaluated in selecting the staff members to be released.

(d) *Past Assignments.* The pattern of assignment of teachers and other professional staff among the various schools of a system may not be such that schools are identifiable as intended for students of a particular race, color, or national origin, or such that teachers or other professional staff of a particular race are concentrated in those schools where all, or the majority, of the students are of that race. Each school system has a positive duty to make staff assignments and reassignments necessary to eliminate past discriminatory assignment patterns. Staff desegregation for the 1966-67 school year must include significant progress beyond what was accomplished for the 1965-66 school year in the desegregation of teachers assigned to schools on a regular full-time basis. Patterns of staff assignment to initiate staff desegregation might include, for example: (1) Some desegregation of professional staff in each school in the system, (2) the assignment of a significant portion of the professional staff of each race to particular schools in the system where their race is a minority and where special staff training programs are established to help with the process of staff desegregation, (3) the assignment of a significant portion of the staff on a desegregated basis to those schools in which the student body is desegregated, (4) the reassignment of the staff of schools being closed to other schools in the system where their race is a minority, or (5) an alternative pattern of assignment which will make comparable progress in bringing about staff desegregation successfully.

§ 181.14 Services, Facilities, Activities, and Programs

(a) *General.* Each school system is responsible for removing any segregation and any other form of discrimination affecting students in connection with all services, facilities, activities and programs (including transportation, athletics, and other extra-curricular activities) that may be conducted or sponsored by or affiliated with the schools of the system.

(b) *Specific Situations.*

(1) A student attending school for the first time on a desegregated basis may not be subject to any disqualification or waiting period for participation in activities and programs, including athletics, which might otherwise apply because he is a transfer student.

(2) If transportation services are furnished, sponsored or utilized by a school system, dual or segregated transportation systems and any other form of discrimination must be eliminated. Routing and scheduling of transportation must be planned on the basis of such factors as economy and efficiency, and may not operate to impede desegregation. Routes and schedules must be changed to the extent necessary to comply with this provision.

(3) All school-related use of athletic fields, meeting rooms, and all other school-related services, facilities, activities, and programs, such as commencement exercises and parent-teacher meetings, which are open to persons other than enrolled students, must be open to all such persons and must be conducted without segregation or any other form of discrimination.

(4) All special educational programs, such as pre-school, summer school and adult education, and any educational program newly instituted, must be conducted without segregation or any other form of discrimination. Free choice desegregation procedures normally may not be applied to such programs.

§ 181.15 Unequal Educational Programs and Facilities

In addition to the changes made in student assignment practices under its desegregation plan, each school system is responsible for removing all other forms of discrimination on the ground of race, color, or national origin. For example, some school systems still maintain small, inadequate schools that were originally established for students of a particular race and are still used primarily or exclusively for the education of students of such race. If the facilities, teaching materials, or educational program available to students in such a school are inferior to those generally available in the schools of the system, the school authorities will normally be required immediately to assign such students to other schools in order to discontinue the use of the inferior school.

§ 181.16 Attendance Outside School System of Residence

No arrangement may be made nor permission granted for students residing in one school system to attend school in another school system in any case (1) where the result would tend to limit desegregation or maintain what is essentially a dual school structure in either system, or (2) where such attendance is not available to all students without regard to race, color, or national origin.

§ 181.17 Official Support for Desegregation Plan

(a) *Community Support.* School officials must take steps to encourage community support and acceptance of their desegregation plan. They are responsible for preparing students, teachers and all other personnel, and the community in general, for the successful desegregation of the school system.

(b) *Information to the Public.* Full information concerning the desegregation plan must be furnished freely to the public and to all television and radio stations and all newspapers serving the community. Copies of all reports on student and staff assignments required under § 181.18 below must be available for public inspection at the office of the Superintendent of the school system.

(c) *Protection of Persons Affected.* Each school system is responsible for the effective implementation of its desegregation plan. Within their authority, school officials are responsible for the protection of persons exercising rights under, or otherwise affected by, the plan. They must take appropriate action with regard to any student or staff member who interferes with the successful operation of the plan, whether or not on school grounds. If officials of the school system are not able to provide sufficient protection, they must seek whatever assistance is necessary from other appropriate officials.

§ 181.18 Reports

(a) *Anticipated Enrollment.* By April 15 of each year, or by 15 days after the close of the spring choice period in the case of plans based on free choice of schools, each school system must report to the Commissioner the anticipated student enrollment, by race, color, or national origin, and by grade of each school, for the following school year. The report submitted for the 1966-67 school year must also include the comparable data for the 1965-66 school year. Any subsequent substantial change in anticipated enrollment affecting desegregation must be reported promptly to the Commissioner.

(b) *Planned Staff Assignments.* By April 15 of each year, each school system must report to the Commissioner the planned assignments of professional staff to each school for the following year, by race, color, or national origin and by grade, or where appropriate, by subject taught or position held. The report for April 15, 1966 must also include the comparable data for the 1965-66 school year. Any subsequent change in planned staff assignments affecting staff desegregation must be reported promptly to the Commissioner.

(c) *Actual Data.* As soon as possible after the opening of its schools in the fall, but in any case within 30 days thereafter, each school system must determine and promptly report to the Commissioner the actual data for the items covered in the reports called for under (a) and (b) above.

(d) *Attendance Outside System of Residence.* The reports called for under (a) and (c) above must include a statement covering (1) all students who reside within the boundaries of the school system but attend school in another system, and (2) all students who reside outside but attend a school within the system. This statement must set forth, for each group of students included in (1) and (2) above, the number of students, by race, color, or national origin, by grade, by school and school system attended, and by school system of residence.

(e) *Consolidation or Litigation.* A school system which is to undergo consolidation with another system or any other change in its boundaries, or which is involved in any litigation affecting desegregation, must promptly report the relevant facts and circumstances to the Commissioner.

(f) *Other Reports.* The Commissioner may require a school system to submit other reports relating to its compliance with Title VI.

§ 181.19 Records

A school system must keep available for not less than three years all records relating to personnel actions, transportation, including routes and schedules, and student assignments and transfers, including all choice forms and transfer applications submitted to the school system. The Commissioner may require retention for a longer period in individual cases.

[§§ 181.20 through 181.30 reserved]

Subpart C—Additional Requirements for Voluntary Desegregation Plans Based on Geographic Attendance Zones

§ 181.31 General

A voluntary desegregation plan based in whole or in part on geographic attendance zones must meet the requirements of this Subpart for all students whose assignment to schools is determined by such zones. The general requirement for desegregation plans set forth elsewhere in this Statement of Policies are also applicable.

§ 181.32 Attendance Zones

A single system of non-racial attendance zones must be established. A school system may not use zone boundaries or feeder patterns designed to perpetuate or promote segregation, or to limit desegregation or maintain what is essentially a dual school structure. A school system planning (1) to desegregate certain grades by means of geographic attendance zones and other grades by

means of free choice of schools, or (2) to include more than one school of the same level in one or more attendance zones and to offer free choice of all schools within such zones, must show that such an arrangement will most expeditiously eliminate segregation and all other forms of discrimination. In any such case, the procedures followed for the offer, exercise and administration of free choice of schools must conform to the provisions of Subpart D below.

§ 181.33 Assignment to School in Zone of Residence

Regardless of any previous attendance at another school, each student must be assigned to the school serving his zone of residence, and may be transferred to another school only in those cases which meet the following requirements:

(a) *Transfer for Special Needs.* A student who requires a course of study not offered at the school serving his zone, or who is physically handicapped, may be permitted, upon his written application, to transfer to another school which is designed to fit, or offers courses for, his special needs.

(b) *Minority Transfer Policy.* A school system may (1) permit any student to transfer from a school where students of his race are a majority to any other school, within the system, where students of his race are a minority, or (2) assign students on such basis.

(c) *Special Plan Provisions.* A student who specifically qualifies to attend another school pursuant to the provisions of a desegregation plan accepted by the Commissioner may be permitted, upon his written application, to transfer to such other school.

§ 181.34 Notice

(a) *Individual Notice.* On a convenient date between March 1 and April 30 in each year, each school system must distribute, by first class mail, a letter to the parent, or other adult person acting as parent, of each student who is then enrolled, except high school seniors expected to graduate, giving the name and location of the school to which the student has been assigned for the coming school year pursuant to the desegregation plan, and information concerning the bus service between his school and his neighborhood. All these letters must be mailed on the same day. Each letter must be accompanied by a notice, in a form prescribed by the Commissioner, explaining the desegregation plan. The same letter and notice must also be furnished, in person or by mail, to the parent of each prospective student, including each student planning to enter the first grade or kindergarten, as soon as the school system learns that he plans to enroll.

(b) *Published Notice.* The school system must arrange for the conspicuous publication of an announcement, identical with the text of the notice provided for under (a) above, in the newspaper most generally circulated in the community, on or shortly before the date of mailing under (a) above. Publication as a legal notice is not sufficient. Whenever any revision of attendance zones is pro-

posed, the school system must similarly arrange for the conspicuous publication of an announcement at least 30 days before any change is to become effective, naming each school to be affected and describing the proposed new zones. Copies of all material published hereunder must also be given at that time to all television and radio stations serving the community.

(c) *Maps Available to Public.* A street or road map showing the boundaries of, and the school serving, each attendance zone must be freely available for public inspection at the office of the Superintendent. Each school in the system must have freely available for public inspection a map showing the boundaries of its attendance area.

§ 181.35 Reports

(a) *Attendance Zones.* The report submitted under § 181.18(a) by April 15 of each year must be accompanied by a map, which must show the name and location of each school facility planned to be used during the coming school year, the attendance zones for each school in effect during the current school year, and any changes in the attendance zones planned for the coming school year. The map need not be of professional quality. A clipping of each newspaper announcement and any map published under § 181.34 (b) or (c) above must be sent to the Commissioner within three days after publication and, in the case of proposed revisions, must be accompanied by data showing the estimated change in attendance, by race, color, or national origin and by grade, and in the racial composition of the professional staff, at each school to be affected.

(b) *Attendance Outside Zone of Residence.* Whenever a student is permitted to attend a school other than that serving his zone of residence, and whenever a request for such attendance is denied, the school system must retain records showing (1) the school and grade applied for, (2) the zone of the student's residence and his grade therein, (3) the race, color, or national origin of the student, (4) the reason stated for the request, and (5) the reason the request is granted or denied. Whenever the total number of transfers permitted from any school exceeds two percent of the student enrollment at that school, the relevant facts must be reported promptly to the Commissioner.

[§§ 181.36 through 181.40 reserved]

Subpart D—Additional Requirements for Voluntary Desegregation Plans Based on Free Choice of Schools

§ 181.41 General

A voluntary desegregation plan based in whole or in part on free choice of schools must meet the requirements of this Subpart for all students whose assignment to schools is determined by free choice. The general requirements for desegregation plans set forth elsewhere in this Statement of Policies are also applicable.

§ 181.42 Who May Exercise Choice

A choice of schools may be exercised by a parent or other adult person serving as the student's parent. A student may exercise his own choice if he (1) is exercising a choice for the ninth or a higher grade, or (2) has reached the age of fifteen at the time of the exercise of choice. Such a choice by a student is controlling unless a different choice

is exercised for him by his parent, or other adult person acting as his parent, during the period in which the student exercises his choice. Each reference in this Subpart to a student exercising a choice means the exercise of the choice by a parent or such other adult, or by the student himself, as may be appropriate under this provision.

§ 181.43 Annual Mandatory Exercise of Choice

Each student must be required to exercise a free choice of schools once annually. A student may not be enrolled or assigned to a school without exercising his choice, except as provided in § 181.45 below.

§ 181.44 Choice Period

A period of at least 30 days must be provided for exercising choice, to commence no earlier than March 1 and to end no later than April 30, preceding the school year for which choice is to be exercised. The Commissioner may require an additional period or different dates for a particular school system. No preference in school assignment may be given on the basis of an early exercise of choice during the choice period.

§ 181.45 Failure To Exercise Choice

A failure to exercise a choice within the choice period does not excuse a student from exercising his choice, which may be done at any time before he commences school for the year with respect to which the choice applies. However, any such late choice must be subordinated to the choices of students who exercised choice during the choice period. If by a week after school opens there is any student who has not yet exercised his choice of school, he must be assigned to the school nearest his home where space is available. Standards for determining available space must be applied uniformly throughout the system.

§ 181.46 Letters to Parents, Notices, and Choice Forms

(a) *Mailings.* On the first day of the choice period, each school system must distribute, by first class mail, a letter, an explanatory notice, and a choice form, to the parent or other adult person acting as parent of each student who is then enrolled, except high school seniors expected to graduate, together with a return envelope addressed to the Superintendent. The texts for the letter, notice, and choice form to be used must be in a form prescribed by the Commissioner.

(b) *Extra Copies.* Extra copies of the letter, the notice, and the choice form must be freely available to parents, students, prospective students, and the general public, at each school in the system and at the office of the Superintendent.

(c) *Content of Choice Form.* Unless otherwise authorized or required by the Commissioner, each choice form, as prepared by the school system for distribution, (1) must set forth the name and location of, and the grades offered at, each school, and (2) may inquire of the person exercising the choice only the name, address, and age of the

student, the school and grade currently or most recently attended by the student, the school chosen, the signature of one parent or other adult person serving as parent or, where appropriate under § 181.42 above, the signature of the student, and the identity of the person signing. If necessary to provide information required by §§ 181.18 and 181.19 above, or for other reports required by the Commissioner, the choice form may also ask the race, color, or national origin of the student. No statement of reasons for a particular choice, or any other information, or any witness or other authentication, may be required or requested. No other choice form, including any pupil placement law form may be used by the school system in connection with the choice of a school.

(d) *Return of Choice Form.* At the option of the person completing the choice form, it may be returned by mail or by hand to any school in the school system or to the office of the Superintendent.

(e) *Choices Not on Official Form.* Exercise of choice may also be made by the submission in like manner of any other writing which sufficiently identifies the student and indicates that he has made a choice of a school.

§ 181.47 Prospective Students

Each prospective student, including each student planning to enter the first grade or kindergarten, must be required to exercise a free choice of schools before enrollment. Each such student must be furnished a copy of the prescribed letter, notice, and choice form, by mail or in person, on the date the choice period opens or as soon thereafter as the school system learns that he plans to enroll. Each must be given an opportunity to exercise his choice during the choice period. A prospective student exercising his choice after the choice period must be given at least one week to do so.

§ 181.48 Choice May Not Be Changed

Once a choice has been submitted, it may not be changed for the school year to which it applies, whether during the choice period, after the choice period, or during that school year, except on request (1) in cases meeting the conditions set forth in § 181.50 below, (2) in case of a change of residence to a place where another school serving the student's grade level is closer than the school to which he is assigned under these provisions, and (3) in case of a compelling hardship. A student who cannot enter the school of his choice because the grade he is to enter is not offered at that school must be promptly notified as soon as this is known and must be given the same opportunity to choose another school as is provided a prospective student under § 181.47 above.

§ 181.49 Assignment According to Choice

No choice may be denied in assigning students to schools for any reason other than overcrowding. In cases where overcrowding would result at one or more schools from the choices made, preference

must be given on the basis of the proximity of schools to the homes of students, without regard to race, color, or national origin. No preference may be given to students for prior attendance at a school if such preference would deny other students their free choice of schools under the plan. In cases where this provision would result in unusual difficulty involving, for instance, students not being able to finish their senior year in a particular school, or students being unable to attend school with other members of the same family, or at a school having special courses required by a student, the relevant facts may be brought to the attention of the Commissioner for consideration of alternative procedures. Any student whose choice is denied under these provisions must be notified in writing promptly and given his choice of each school in the system serving his grade level where space is available. Standards for determining overcrowding and available space that are applied uniformly throughout the system must be used if any choice is to be denied. Each student and his parent, or other adult person acting as parent, must be notified in writing of the name and location of the school to which the student is assigned hereunder promptly upon completion of processing his first or any second choice. A school system may, at its option, give preference to any student whose choice is for a school at which students of his race are a minority.

§ 181.50 Transfers for Special Needs

Each student must attend the school to which he is assigned under the foregoing provisions, except that any student who requires a course of study not offered at that school, or who is physically handicapped, may be permitted, upon his written application, to transfer to another school which is designed to fit, or offers courses for, his special needs.

§ 181.51 No Limitation of Choice; Transportation

No factor, such as a requirement for health or birth records, academic or physical examinations, the operation of the school transportation system, or any other factor except overcrowding, may limit or affect the assignment of students to schools on the basis of their choices. Where transportation is generally provided, buses must be routed to the maximum extent feasible so as to serve each student choosing any school in the system. In any event, every student choosing either the formerly white or the formerly Negro school (or other school established for students of a particular race, color, or national origin) nearest his residence must be transported to the school to which he is assigned under these provisions, whether or not it is his first choice, if that school is sufficiently distant from his home to make him eligible for transportation under generally applicable transportation rules.

§ 181.52 Officials Not To Influence Choice

No official, teacher, or employee of the school system may require or request any student or prospective student to submit a choice form during the choice period other than by the prescribed letter, notice, and choice form. After the choice period, the school system must make all reasonable efforts to obtain a completed choice form from any student who has not exercised a choice. However, at no time may any official, teacher, or employee of the school system, either directly or indirectly, seek to influence any parent, student, or any other person involved, in the exercise of a choice, or favor or penalize any person because of a choice made. Information concerning choices made by individual students or schools to which they are assigned may not be made public.

§ 181.53 Public Notice

On or shortly before the date the choice period opens, the school system must arrange for the conspicuous publication of a notice describing the desegregation plan in the newspaper most generally circulated in the community. The text of the notice must be in a form prescribed by the Commissioner. Publication as a legal notice is not sufficient. Copies of this notice must also be given at that time to all radio and television stations serving the community. Any other announcement published by the school system concerning enrollment, such as might be made in connection with scheduling pre-enrollment procedures for prospective first grade students, must (1) state clearly that under the desegregation plan a choice of school is required for each student whose choice has not yet been exercised, (2) describe and state where copies of the prescribed letter, notice and choice form may be freely obtained in person, or by letter or telephone request, and (3) state the period during which the choice may be exercised.

§ 181.54 Requirements for Effectiveness of Free Choice Plans

A free choice plan tends to place the burden of desegregation on Negro or other minority group students and their parents. Even when school authorities undertake good faith efforts to assure its fair operation, the very nature of a free choice plan and the effect of longstanding community attitudes often tend to preclude or inhibit the exercise of a truly free choice by or for minority group students.

For these reasons, the Commissioner will scrutinize with special care the operation of voluntary plans of desegregation in school systems which have adopted free choice plans.

In determining whether a free choice plan is operating fairly and effectively, so as to materially further the orderly achievement of desegregation, the Commissioner will take into account such factors as community support for the plan, the efforts of the school system to eliminate the identifiability of schools on the basis of race, color, or national origin by virtue of the composition of staff or other

factors, and the progress actually made in eliminating past discrimination and segregation.

The single most substantial indication as to whether a free choice plan is actually working to eliminate the dual school structure is the extent to which Negro or other minority group students have in fact transferred from segregated schools. Thus, when substantial desegregation actually occurs under a free choice plan, there is strong evidence that the plan is operating effectively and fairly, and is currently acceptable as a means of meeting legal requirements. Conversely, where a free choice plan results in little or no actual desegregation, or where, having already produced some degree of desegregation, it does not result in substantial progress, there is reason to believe that the plan is not operating effectively and may not be an appropriate or acceptable method of meeting constitutional and statutory requirements.

As a general matter, for the 1966-67 school year the Commissioner will, in the absence of other evidence to the contrary, assume that a free choice plan is a viable and effective means of completing initial stages of desegregation in school systems in which a substantial percentage of the students have in fact been transferred from segregated schools. Where a small degree of desegregation has been achieved and, on the basis of the free choice registration held in the spring of 1966, it appears that there will not be a substantial increase in desegregation for the 1966-67 school year, the Commissioner will review the working of the plan and will normally require school officials to take additional actions as a prerequisite to continued use of a free choice plan, even as an interim device.

In districts with a sizable percentage of Negro or other minority group students, the Commissioner will, in general, be guided by the following criteria in scheduling free choice plans for review:

(1) If a significant percentage of the students, such as 8 percent or 9 percent, transferred from segregated schools for the 1965-66 school year, total transfers on the order of at least twice that percentage would normally be expected.

(2) If a smaller percentage of the students, such as 4 percent or 5 percent, transferred from segregated schools for the 1965-66 school year, a substantial increase in transfers would normally be expected, such as would bring the total to at least triple the percentage for the 1965-66 school year.

(3) If a lower percentage of students transferred for the 1965-66 school year, then the rate of increase in total transfers for the 1966-67 school year would normally be expected to be proportionately greater than under (2) above.

(4) If no students transferred from segregated schools under a free choice plan for the 1965-66 school year, then a very substantial start would normally be expected, to enable such a school system to catch up as quickly as possible with systems which started earlier. If a school system in these

circumstances is unable to make such a start for the 1966-67 school year under a free choice plan, it will normally be required to adopt a different type of plan.

Where there is substantial deviation from these expectations, and the Commissioner concludes, on the basis of the choices actually made and other available evidence, that the plan is not operating fairly, or is not effective to meet constitutional and statutory requirements, he will require the school system to take additional steps to further desegregation.

Such additional steps may include, for example, reopening of the choice period, additional meetings with parents and civic groups, further arrangements with State or local officials to limit opportunities for intimidation, and other further community preparation. Where schools are still identifiable on the basis of staff composition as intended for students of a particular race, color, or national origin, such steps must in any such case include substantial further changes in staffing patterns to eliminate such identifiability.

If the Commissioner concludes that such steps would be ineffective, or if they fail to remedy the defects in the operation of any free choice plan, he may require the school system to adopt a different type of desegregation plan.

§ 181.55 Reports

(a) *Supporting Materials.* Each school system must submit to the Commissioner a copy of the letter, notice, and choice form, all as prepared by the school system for distribution, within three days after their first distribution, and must submit a clipping of all newspaper announcements published in accordance with § 181.53 above within three days after publication.

(b) *Data on Choices Not Being Honored.* In any case, including the case of conflicting choices under § 181.42 above, where a student chooses a school where he would be in a racial minority, and (1) he is to be assigned to a school where he would be in a racial majority, or (2) the school system proposes not to process his choice for any reason, the relevant facts must be reported promptly to the Commissioner.

(c) *Transfers for Special Needs.* Wherever a student is permitted, under §§ 181.48 or 181.50 above, to attend a school other than the school to which he is or would be assigned under the other applicable provisions hereof, and whenever a request for such attendance is denied, the school system must retain records showing (1) the school and grade applied for, (2) the school and grade to be transferred from, (3) the race, color, or national origin of the student, (4) the reason stated for the request, and (5) the reason the request is granted or denied. Whenever the total number of transfers permitted from any school exceeds two percent of the student enrollment at that school, the relevant facts must be reported promptly to the Commissioner.

[§§ 181.56 through 181.60 reserved]

Subpart E—Miscellaneous Provisions

§ 181.61 How To Submit Reports

Each report to the Commissioner required under this Statement of Policies must be sent by first class mail addressed to the Equal Educational Opportunities Program, U.S. Office of Education, Washington, D.C., 20202.

§ 181.62 Alternative Administrative Procedures

If an administrative procedure provided for under this Statement of Policies is not administratively feasible in a particular situation, the Commissioner may accept an alternative procedure if he determines that it will accomplish the same purpose.

§ 181.63 Revision of Statement of Policies

The Commissioner may modify this Statement of Policies as may be necessary to accomplish the purposes of Title VI.

§ 181.64 Copies of Documents for State Agencies

Each school system submitting any plan form or report to the Commissioner under this Statement of Policies must also submit a copy of such form or report to the appropriate State education agency.

§ 181.65 Choice Period Already Begun

In the event that any school system with a desegregation plan based on free choice has begun or completed its free choice period for the 1966-67 school year prior to the date of issue of this Statement of Policies, the school system must immediately report to the Commissioner its proposals for adapting its free choice procedures in such a way as to make them substantially conform to the provisions of this Statement of Policies.

§ 181.66 Definitions

As used in this part,

(a) The term "Commissioner" means the U.S. Commissioner of Education or any official acting under assignment or delegation from him to carry out any of his functions under this Statement of Policies.

(b) The term "discrimination" means discrimination on the ground of race, color, or national origin.

(c) The term "dual school structure" means a system of separate school facilities for students based on race, color, or national origin.

(d) The term "HEW Form 441" means the printed document provided for the use of certain school systems by the U.S. Department of Health, Education, and Welfare, entitled "Assurance of Compliance with the Department of Health, Education, and Welfare Regulation under Title VI of the Civil Rights Act of 1964."

(e) The term "HEW Form 441-B" means the printed document provided for the use of certain school systems by the U.S. Department of Health, Education, and Welfare entitled "Assurance of Compliance with the Revised Statement of Policies for School Desegregation Plans Under Title VI of the Civil Rights Act of 1964."

(f) The term "HEW Regulation" means the Regulation issued pursuant to Title VI of the Civil Rights Act of 1964 by the U.S. Department of Health, Education, and Welfare (Part 80, of Title 45, Code of Federal Regulations).

(g) The term "parent" means an adult individual who exercises parental control over, or is otherwise acting as parent of, a student or prospective student.

(h) The term "school official" shall include, but is not limited to, any person who serves on the governing board of a school system, or attends meetings of such board in an official capacity, and all administrative and supervisory personnel of a school system.

(i) The term "school system" means, as the context may require, either (1) a legally constituted school authority (such as a local board of education) which has administrative control of one or more elementary or secondary schools, (2) the geographic area over which any such school authority has administrative control for school purposes, or (3) the schools and facilities over which any such school authority has administrative control.

(j) The term "Statement of Policies" means this Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964.

(k) The term "Title VI" means Title VI of the Civil Rights Act of 1964 (PL 88-352, 42 USC 2000d to 2000d-4).

[§§ 181.67 to 181.70 reserved]

Subpart F—Desegregation Plans Not Reaching All Grades for the 1966-67 School Year

§ 181.71 Opportunity to Transfer in Grades Not Reached by Plan

In any school system in which, for the school year 1966-67, there are grades not yet reached by the desegregation plan, the school system must arrange for students to attend school on a desegregated basis in each of the special circumstances described in (a), (b), (c), and (d) below. This opportunity must be made available in such a way as to follow, to the maximum extent feasible, the desegregation procedures in grades generally reached by the plan, according to the type of plan in effect.

(a) *Transfer for a Course of Study.* A student must be permitted to transfer to a school in order to take a course of study for which he is qualified and which is not available in the school to which he would otherwise be assigned on the basis of his race, color, or national origin.

(b) *Transfer to Attend School With Relative.* A student must be permitted to transfer in order to attend the same school or attendance center as a brother, sister, or other relative living in his household, if such relative is attending a school as a result of a desegregation plan and if such school or attendance center offers the grade which the student would be entering.

(c) *Transfer for Students Required To Go Outside System.* A student must be permitted to transfer to any school within the system which offers the grade he is to enter if he would otherwise be required to attend school outside the system on the basis of his race, color, or national origin.

(d) *Transfer for Other Reasons.* A student must be permitted to transfer to a school other than the one to which he is assigned on the basis of his race, color, or national origin if he meets whatever requirements, other than race, color or national origin, the school system normally applies in permitting student transfers.

§ 181.72 Students New to the System

Each student who will be attending school in the system for the first time in the 1966-67 school year in any grade not yet generally reached by the desegregation plan must be assigned to school under the procedures for desegregation that are to be applied to that grade when it is generally reached by the desegregation plan.

§ 181.73 General Provisions Applicable

A student who has transferred to a school under § 181.71 above, or entered a school under § 181.72 above shall be entitled to the full benefits of § 181.14 above (relating to desegregation of services, facilities, activities and programs) and to any and all other rights, privileges, and benefits gener-

ally conferred on students who attend a school by virtue of the provisions of the desegregation plan.

§ 181.74 Notice

Each school system in which there will be one or more grades not fully reached by the desegregation plan in the 1966-67 school year must add a paragraph describing the applicable transfer provisions at the end of the notice distributed and published pursuant to § 181.34 above or §§ 181.46 and 181.53 above, as is appropriate for the type of plan adopted by the school system. The text of the paragraph must be in a form prescribed by the Commissioner. The school system must make such other changes to the notice as may be necessary to make clear which students will be affected by attendance zone assignments or free choice requirements.

In addition, for the letter to parents required in § 181.46, school systems with free choice plans which have not desegregated every grade must use a letter describing the plan and will enclose with the letter sent to parents of students in grades not desegregated a transfer application instead of a choice form. For the letter to parents required in § 181.34, school systems with geographic zone plans must send to each parent of students in grades not desegregated a letter describing the plan and a transfer application. The text for these letters and the transfer application must be in a form prescribed by the Commissioner.

§ 181.75 Processing of Transfer Applications

Applications for transfer may be submitted on the transfer application form referred to in § 181.74 above or by any other writing. If any transfer application is incomplete, incorrect or unclear in any respect, the school system must make every reasonable effort to help the applicant perfect his application. Under plans based on geographic zones, and under plans based on free choice of schools, the provisions of § 181.42 as to whether a student or his parent may make a choice of school, shall also determine whether a student in a grade not yet generally reached by desegregation may execute a transfer application.

§ 181.76 Reports and Records

In each report to the Commissioner under §§ 181.18, 181.35, and 181.55 above, the school system must include all data, copies of materials distributed and other information generally required, relative to all students, regardless of whether or not their particular grades have been generally reached by the plan. Similarly the system must retain the records provided for under §§ 181.19, 181.35, and 181.55 above with respect to all students.

[§§ 181.77 through 181.80 reserved]

OTHER CCR CLEARINGHOUSE PUBLICATIONS

- Number 1—CIVIL RIGHTS UNDER FEDERAL PROGRAMS: A detailed explanation of Title VI regulations, particularly relating to compliance reports, periodic field reviews and investigations, enforcement proceedings, termination of Federal funds.
- Number 2—EQUAL OPPORTUNITY IN HOSPITALS AND HEALTH FACILITIES: An examination of civil rights policies affecting the Hill-Burton and other Federal programs, including admission of patients, access to facilities, staff privileges.
- Number 3—EQUAL OPPORTUNITY IN FARM PROGRAMS: Excerpts from an appraisal of services rendered by four agencies of the U.S. Department of Agriculture.
- Number 4—THE VOTING RIGHTS ACT OF 1965: An explanation of the coverage, administration, and text of Public Law 89-110.
- Number 5—EQUAL EMPLOYMENT OPPORTUNITY UNDER FEDERAL LAW: An explanation of Federal law as it applies to equal opportunity in employment.
- Special Bulletin: SUMMARY OF THE CIVIL RIGHTS ACT OF 1964: Annotations on the Civil Rights Act of 1964 designed to give a clear understanding of each of its Titles and including an explanation of the functions of the U.S. Commission on Civil Rights.



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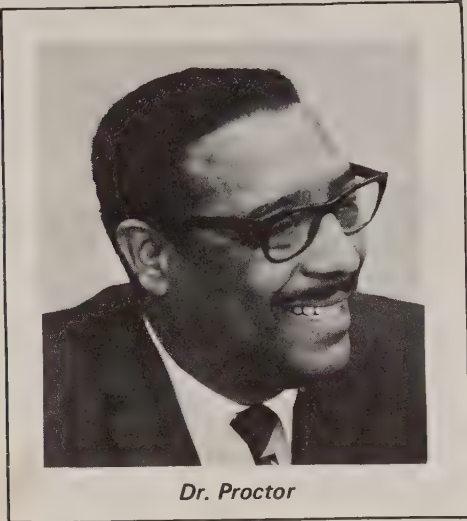
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Proctor on Minority Education



Dr. Proctor

Dr. Samuel D. Proctor, Professor of Education, Rutgers University, spoke at the May meeting of HSMHA Deputy EEO Officers. In a matter of minutes, Dr. Proctor had completely captivated everyone in the room with his wit, humor, understanding, knowledge and eloquence. His field is education and he is an ardent advocate of education — the best and the most appropriate — for everyone. He believes that everyone should not only be educated to the highest level of his/her capabilities but that the education received should be (and can be) of the very best quality by *any* standard.

In the past, the majority of black colleges and universities had different and generally lower standards than the first rate white educational institutions. No doubt this was by design on the part of white educators and legislators and by the way of compromise on the part of black educators. Fortunately, times have changed and the need for separate black schools no longer exists. This is in no way meant to derogate the past contributions or future

accomplishments of black schools since some will no doubt continue to exist. But, according to Dr. Proctor — while respecting the different cultural aspects of background — all functions of American life must be integrated if all American citizens are to have the opportunity to develop to the heights of their innate capabilities. Cultural openness is the road, not only to understanding, but to economic leveling and to the acquisition of the abilities needed to function efficiently and competitively in our free enterprise system.

Not only should black schools provide top quality education but *all* schools should adapt their systems in order to serve the needs of persons seeking scholastic excellence in the traditional disciplines but at the same time they should provide appropriate education and training in the various technical and social service trades and skills. A revamping of universities' *(continued on page 2)*

Cheyenne Princess 1973

Miss Ella Newakis Lamebull of Maternal and Child Health Service was recently selected the Cheyenne Princess for 1973 and will represent the Cheyenne Tribe at the American Indian Exposition in Anadarko, Oklahoma.

This makes her eligible to compete for Miss American Indian in August in Sheraton, Wyoming. Miss Lamebull is shown here in traditional native dress. During the Cherry Blossom festivities, Miss Lamebull modeled this dress for the fashion show. She recently took part in the Indian Week celebrations at



Miss Lamebull

NIH, at which time she performed the Lord's Prayer in Indian sign language. She is a member of the Southern Cheyenne-Arapaho Tribe of Oklahoma and plans to continue her college education in the field of business administration.

SPEAKING WITH LON

THE NIMH - A BRIEF REPORT -

Mr. Will Pinder's letter in the March Newsletter drew some thoughtful responses. The letter and responses indicate the wide differences in opinions among Americans on the issues of social justice.

Obviously, Mr. Pinder sees no difference between fighting within his organization for social justice and fighting in Vietnam to stop communism; so he suggests that all blacks in the struggle be given ten points preference in retention. An equivalent suggestion at one time was forty acres and a mule.

Mrs. Jennie B. Proctor seems to want equal opportunity for all races (everyone starting from the same point with no handicaps given).

Mrs. Dortha E. de Zafra takes another view — that by joining forces between minority males and all women, EEO could be more readily achieved. This suggestion is commendable. The problem we are concerned with is how to achieve equality when few women or minority males hold the power (selection authority and control over budgets and positions) to effect changes.

Mr. Sidney E. Martin suggests a modification of the idea that in some

ways goes beyond it, but concentrates on achieving respect for individuals based on personal worth and not on artificial criteria.

All of these people have a right to their opinions and it is vital that we maintain a forum and an atmosphere where diverse opinions can be expressed. But we in EEO also have a duty to mold opinions in support of American law which purports to provide access and equality of opportunity regardless of race, color, sex, religion and national origin. The EEO efforts need on-going support to develop the kinds of information needed to continuously educate people, especially managers and supervisors, to examine the roots of racism, sexism, religious persecution and mistreatment of ethnic groups that would help all of us to understand where we Americans came from, where we are, and where we are going.

The EEO Conferences which have been convened by most programs, were not intended to be a "one shot" effort to deal with these problems. In view of the awesome alternatives, I feel an investment in a continuing educational process should receive top priority.

PROCTOR (continued from page 1)

structures, as demonstrated by Dr. Proctor, appeared to make this arrangement feasible and desirable.

Dr. Proctor is his own best argument for scholastic excellence and the full development of human potentialities. He is an alumnus of Virginia Union University, the author of *The Young Negro in America, 1960 — 1980*, and a member of the board of trustees of the United Negro College Fund. He is the recipient of the Outstanding Alumnus Award of Boston University and the Distinguished Service Award of the State

University of New York at Plattsburgh.

Scholar, educator, author, lecturer — a prodigious display of intelligence, acumen, and ambition for any man and one that could be discouraging to ordinary mortals — but somehow the feeling Dr. Proctor imparted was that any man or woman can and should benefit from the proper educational help in developing the hidden but innate qualities and abilities that could improve not only individual lives but could enhance the very quality of life itself in the entire human community.

Under the direction of Dr. Bertram S. Brown, the National Institute of Mental Health administers the Federal Government's major program of support for the nation's mental health. The Institute's basic mission is to develop knowledge, manpower, and services to treat and rehabilitate the mentally ill, to prevent mental illness, and to promote and sustain mental health. The NIMH conducts and supports research into the causes, treatment, and prevention of special mental health problems involving people in serious trouble and with serious emotional disabilities.

From its inception in 1946, the National Institute of Mental Health has taken a position of leadership in the development of the field of mental health.

Millions of Americans suffer from some form of mental or emotional illness. Each year nearly three million people are treated. Mental and emotional disorders can range from mild to severe. Neuroses are less severe emotional disturbances which nonetheless make life difficult for millions. Personality and character disorders are frequently involved in behavior that creates social problems. Psychosomatic illnesses, which afflict countless numbers of people, are physical ailments that have underlying emotional causes. Debilitating physical ailments also have emotional and psychological impact.

There are as many different kinds and degrees of mental, as there are of physical disease. Some are mild, while others are more serious. The symptoms and outcome of each type of mental illness are correspondingly different. In searching for causes of psychiatric illness, great strides have been made in tracing some of the biological mechanisms involved in these disorders, and in the development of chemical compounds of therapeutic value.



NIMH EEO Counselors securing information for skills bank.

As a result of the favorable impact of milieu therapy and group therapy, the introduction of new drugs that relieve distressing mental symptoms, advances in genetics, biochemistry, and physiology, and the advent of comprehensive community mental health centers, many patients who would formerly have been hospitalized for long periods of time are now able to return more quickly to their families and their communities.

The Institute's most urgent program commitment is to its Child Mental Health Program whose major thrust is to provide a base of knowledge, techniques, manpower, and services that will significantly reduce the number of institutionalized mentally and emotionally ill youth and enhance the well being and productivity of all our nation's children. Other high priority programs relating to the study, prevention, and improvement of the general level of mental health of the nation include alcoholism, drug abuse, crime and delinquency, suicide, mass violence, homosexuality, poverty, deprivation, and aging. Schizophrenia and depression, the more severe and tragic mental illnesses are undergoing the most intensive multidisciplinary investigations in medical history.

In one way or another NIMH programs and services touch the lives of almost every person in the United States. The Institute's commitment to initiate and support programs that aid in the eradication of demeaning social and environmental conditions that interfere with the healthy growth and development of all citizens has remained unchanged. The Institute has

been able to preserve its program continuity while at the same time undergoing massive structural and organizational changes.

The NIMH EEO Program

In November 1972 the NIMH held its initial EEO Conference. This conference focused upon awareness of EEO issues and served the purpose of redefining the objectives and goals of the Affirmative Action Plan for NIMH. On the occasion of the Institute's acceptance and endorsement of the plan, Dr. Bertram Brown stated that "In formulating this revised Plan we have incorporated the views and concerns of management and employees, minorities and non-minorities.

"The task before us in implementing this Plan is enormous, since the duration of this Plan — January 1973 through June 1974 — parallels the period of anticipated severe fiscal restrictions for all Federal agencies. Therefore, it becomes even more crucial that we devote ourselves energetically to achieving the objectives of the Affirmative Action Plan.

"Equal Employment Opportunity," continued Dr. Brown, "remains one of the most important social issues of our day. This Plan is the Institute's commitment and approach to substantially increase the opportunities for minorities and women. It is my conviction that these goals can be achieved and with the traditional cooperation and support from the NIMH staff, employees, supervisors, and managers, I know we will succeed."

Will NIMH be able to meet its hiring goals and objectives for minor-



Dr. Bertram S. Brown, NIMH Director

ities and women? How can NIMH save the jobs of the newly hired minorities and women from the "last hired — first fired" syndrome? These are some of the critical issues that the Institute will examine as it begins to implement its Affirmative Action Plan.

Long, searching discussions between the Director, his Deputy Director and the EEO Officer have been held. Many sensitive issues have been resolved with many more to be considered. From discussions such as these, two aspects of the AAP emerged as critically vital to the Plan. The first was the activation of the Employee Skills Bank for Institute employees. The skills form was developed, an instructional booklet prepared and EEO Counselors trained as monitors. These forms will help employees in securing new jobs, training opportunities and will supplement SF 171 information. The other aspect to be incorporated is the creation of a combined employee organization with regular meetings that would be comprised of the Equal Employment Opportunity Advisory Council, the Women's Council and the NIMH Minority Concerns Committee officers or representatives. They will function as a communications medium between employee groups and management.

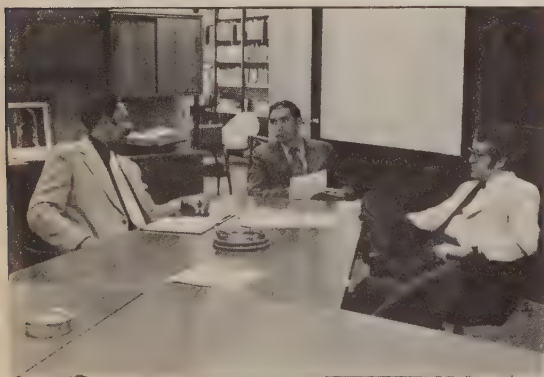
Both of these operations are underway, much to the delight and appreciation of the Equal Employment Opportunity staff. According to Milt Jordan, NIMH EEO Officer, "The

(continued on page 4)

struggle is not yet over. We at the Institute are preparing for a new home and hopefully will keep all of our employees with us; but no matter what the future will bring we would like to assure everyone that the commitment to Equal Employment Opportunity will continue to exist at the Institute and perhaps even grow stronger now that we are facing these crises."

This report does not attempt to be inclusive. Obviously, a comprehensive account of the Institute's enormous activities cannot be accomplished in this newsletter. We can only briefly note some major commitments and program goals. The NIMH Public Inquiries Branch will provide additional information on request.

From left to right: Mr. Milt Jordan, Dr. Brown, and Mr. Isbister.



Posthumous Award Presented



In a touching and emotion-packed ceremony on April 23, the Parklawn Minority Concerns Committee presented its "Humanitarian Award" posthumously to John Fairfax, EEO Specialist in the National Center for Health Statistics who died unexpectedly on March 8.

Citing Fairfax's "compassion and love for humanity, the MCC made the award to Mrs. Delores Fairfax, his widow. His mother and father, Mr. and Mrs. John Fairfax of Washington, D.C. were in attendance at the brief ceremony in conference room "E" at the Parklawn Building.

Arthur Stroud of Office of Central Services made the award in behalf of the MCC.

The overflow crowd heard tributes to Fairfax from Stroud, William



Mr. Arthur Stroud and Mrs. Delores Fairfax.

Jenkins and Paul Armstrong and joined in the singing of "Lift Every Voice and Sing," the "Black National Anthem."

Four EEO Staff Members Receive Awards

During the past month, four EEO staff members received awards: John

Lon Ballard, Director, EEO (R) congratulates John Sales (L) and Marlon Seward, two of four EEO staffers who received cash awards for superior performance.



Sales and Marlon Seward, of the Research, Evaluation and Planning Branch, OEEO, received cash awards for Sustained Superior Performance in the monitoring and evaluation of HSMHA EEO Program efforts.

Franklin R. Miller, Public Health Advisor, Office of the Director and former Deputy EEO Officer of CDC received a Superior Service Award for his EEO activities at the Center for Disease Control.

Tyrone Northington, former Deputy EEO Officer, Region V, received a Superior Service Award in Region V for his EEO activities which improved human relations and strengthened program operations.

Miss Joyce Johnson, former Associate Deputy EEO Officer, USPHS Hospital, Seattle, Washington was transferred to the HEW Region X Office with a promotion.

Congratulations are certainly in order for Joyce but we will certainly miss her. Our loss in Region X's gain.

JULIUS HOBSON

By Harold A. Thomas

On May 18, 1973, Julius W. Hobson, Sr., was the guest speaker at the regularly scheduled Area D CMHC Community Conference. Mr. Hobson's subject was "Exceptional Children in Public Schools." Hobson defined Exceptional Children as all children — the smart child, the average child and the slow child. Hobson's main thesis was that children are not learning to read, write, spell or communicate at the level they should in Washington, D.C. public schools today. According to Hobson, "education is the only system in free enterprise which holds the consumer responsible for the end product." This concept could be called blaming the victim. In a medical sense, this could be likened to a physician blaming a patient for having sickle cell anemia.

Hobson expanded on his original definition of Exceptional Children. He indicated that everybody is exceptional. He also indicated that as exceptional people, we should use our know how and ability to make this a better world in which to live.

Hobson charged the Federal Government with being the most malicious, and vicious discriminator against blacks and women in the U.S. He indicated that he resented his tax dollars being used to create jobs which are then denied to persons because of their race or sex.

Hobson urged all young people, black and white alike, who are interested in changing the system, to get into the Government and learn the system so that they can begin to act as agents of change.

Hobson comes well-equipped to speak about change agent tactics. He has been involved in integrating the department stores; insisting that bus companies hire minority drivers; provide equal housing opportunities; non-discrimination in delivery of health care services, police-community relations, and EEO legislation. The younger generation probably knows

him best as a gadfly to the District of Columbia Board of Education.

I am sorry that Brother Hobson did not speak more about the educational process in the schools. I would also like to have heard more of something about his views on inequities in schools and more of spending, and the fact that poorly educated people tend to perpetuate poorly educated people who are then locked into a perpetual cycle of second class citizenship. "Keep on pushing Julius Hobson."

EEO Complaint Process

During several supervisory training sessions conducted by the OEEEO/ Education and Training Branch, we were amazed to learn that some supervisors did not know the EEO complaints procedure. *All* supervisors *MUST* know this important procedure. The process is as follows:

1. Aggrieved employee *becomes* aware he/she has been discriminated against because of race, religion, color, sex, or national origin . . .
2. Within 30 days after alleged discrimination is discovered the aggrieved employee contacts an EEO Counselor and is advised of right to file a complaint and right to representation.
3. The EEO Counselor has 21 days in which to resolve the complaint informally.
 - a. The EEO Counselor provides the complainant with a written notice of Right to File a Formal EEO Complaint on the 21st day.
 - b. The EEO Counselor provides the Complainant with a written Notice of Final Interview and informs him/her that an EEO formal complaint must be filed within 15 days.
4. The complainant may file a complaint with any of the following

persons authorized to receive it:
Agency Head
Installation Head
Director, OEEEO
FWP Coordinator
EEO Counselor

5. Immediately after receipt and review of complaint by the Director, OEEEO, the complainant will be informed in writing of acceptance or rejection of the complaint and of his/her rights to representation.
6. If accepted, an investigator from another program will be assigned to gather the facts, take affidavits, and write an investigative report on his/her findings.
7. The program charged with the alleged discrimination is required to finance the travel and per diem for the investigator and is responsible for providing necessary clerical support.
8. On completion of the investigative report, the Director, OEEEO, has 60 days in which to write and distribute a *Proposed Disposition*.
9. The Department has 75 days from the date the complaint was filed in which to make a decision.
10. The complainant has 15 days to appeal the Department's decision to the CSC.
11. An EEO complaint must be resolved within 180 days of the filing of the formal complaint or it can be filed in a civil action suit in any appropriate U.S. District Court within:
30 days of receipt of notice of final action taken by agency on a complaint,
180 days from the date of filing a complaint with agency if there has been no decision,
30 days of receipt of notice of final action taken by the Commission on his complaint, or
180 days from the date of filing an appeal with the Commission if there has been no Commission decision.

COOPERATIVE Education Program

NCHS has entered into a Cooperative Education Agreement with five colleges: New Mexico Highlands University in Las Vegas, New Mexico; Howard University and Federal City College in Washington, D.C.; and North Carolina Central University and St. Augustine College in North Carolina.

Cooperative Education is a work-study plan designed to integrate the student's classroom experience with his practical experience on the job. Under this program students alternate periods of work in the Center with periods of study on campus. In accordance with the co-op agreements NCHS pays for the necessary expenses incurred due to tuition and matriculation fees, the purchase of books, materials, and supplies, and transportation from the school to the agency. The Cooperative Education Program is considered a highly useful tool in the implementation of the Center's Affirmative Action Program.

At present, there are two co-op students working at NCHS. Mr. Calvin Baker, who is working in the Survey Methods Branch of HIS, attends Federal City College where he is a Junior majoring in Mathematics. At FCC, he has served as Assistant Director of Project T-1, which involved designing the layout of the college and the development of the recreation department. Mr. Baker has many interests but enjoys basketball, in particular, as a leisure-time activity.

Barbara Ann Harris, who is a senior majoring in Mathematics, at Saint Augustine's College is working in the Data Preparation Branch at RTP. At Saint Augustine's, she has been a member of the student Government Association and was a pioneer of the school's Cooperative Education Program. Miss Harris was chosen to be "Miss Mathematics" at Saint Augustine's during her 1971-72 year and was listed in *Who's Who Among College and University Students* (1972-73).

Nationally The Beat Goes On

This article is extracted from FPM Supplement.

When the eligible is a retired member of one of the uniformed services the appointing officer must further determine whether he will be entitled to veteran preference in reduction in force. The conditions under which a retired member is entitled to preference in reduction in force are these, based on section 3502(a) of title 5, United States Code (the former section 12 of the Veterans' Preference Act, as amended by the Dual Compensation Act of 1964):

- His military retirement was based on disability
- resulting from injury or disease received in line of duty as direct result of armed conflict, or
- caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code); or

The following article is extracted from the U.S. Department of Labor Employment Standards Administration, Women's Bureau, release.

1. Nine out of ten girls will work at some time in their lives.
2. Most women work because of economic need. Nearly two-thirds of all women workers are single, divorced, widowed, or separated, or have husbands whose earnings are less than 7,000 a year.
3. More than 33 million women are in the labor force; they constitute nearly two-fifths of all workers. Some 4 million women of minority races are in the labor force; they constitute more than two-fifths of all minority workers.
4. Half of all women 18 to 64 years of age are workers.
5. About one-fourth of all women workers hold part-time jobs.
6. Women accounted for three-fifths

- His service did not include 20 or more years of full-time active service (regardless of when performed but not including periods of active duty for training); or
- On November 30, 1964, he was employed in a civilian position to which section 3502(a) of title 5 applied and, on and after that date, he continues to be employed in this kind of position without a break in service or more than 30 days.

If the eligible meets any one of the conditions, he will be entitled to veteran preference in reduction in force. Any determination that he is not entitled to preference in reduction in force is entered on the notification of personnel action as specified in book V of this supplement. The condition of employment on November 30, 1964 is met by a person who was on military furlough or leave of absence from civilian employment on that date.

of the increase in the civilian labor force in the last decade.

7. Labor force participation is highest among women 18 to 24 and 35 to 54 years of age; the median age of women workers is 38 years.
8. The more education a woman has, the greater the likelihood she will seek paid employment. Nearly 7 out of 10 women 45 to 54 years of age with 4 or more years of college are in the labor force.
9. The number of working mothers (women with children under 18) has increased more than eightfold since 1940. They now number 12.7 million, an increase of 3.9 million in the last decade.
10. The 4.4 million working mothers with children under 6 in 1972 had 5.6 million children under 6; the estimated number of licensed day care slots is 905,000.
11. Women workers are concentrated

(continued on page 7)

in low-paying dead end jobs. As a result, the average woman worker earns about three-fifths of what a man does, even when both work full time year round.

12. Unemployment has lowest for white adult males (3.6 percent) and highest for minority teenage girls (38.6 percent) in 1972.

White adult women	4.9 percent
Minority adult men	6.8 percent
Minority adult women	8.8 percent
White teenage boys	14.2 percent
White teenage girls	14.2 percent
Minority teenage boys	29.8 percent

13. About 1 out of 9 families is headed by a woman; almost 2 out of 5 poor families are headed by a woman. About 3 out of 10 black families are headed by a woman; almost 3 out of 5 poor black families are headed by a woman.

14. It is frequently the wife's earnings

which raise a family out of poverty. In husband-wife families 13 percent have incomes below \$4,000 if the wife does not work; 4 percent when she does work.

15. Of the workers not covered by the Fair Labor Standards Act (FLSA), 40 percent are women. Fifty-seven percent of all black women workers are not covered by FLSA; the comparable percentage for white women is 22 percent.

16. The average woman worker is as well educated as the average man worker. Both women and men have completed a median of 12.4 years of schooling.

17. Women are about two-fifths of all professional and technical workers but only about one-sixth of all nonfarm managers and administrators.

18. Women are 76 percent of all clerical workers but only 4 percent of all craftsmen and foremen.

Cultural Awareness Test

It's simple. Just pick the one answer that applies to each item.

- Countee Cullen, Nikki Giovanni, and Phyllis Wheatley would have most in common with:
 - Cecily Tyson
 - Teddy Kennedy
 - Langston Hughes
 - Bessie Smith
- The term "La Raza" is used to refer to:
 - All Spanish-surnamed people
 - Only Mexican-American people
 - Anyone sympathetic with poor Mexican-American people
 - Only U.S. Citizens born in Mexico
- One of the Mexican-American's favorite Mexican actor, Cantinflas, played a leading role in:
 - "Around the World in 80 Days"
 - "The Professionals"
 - "The Alamo"
 - None of the above
- James Reeb and Viola Liuzzo
 - co-authored a highly respected book on the Civil Rights revolution of the 60's
 - were legal counsel in Brown vs Board of Education
 - were murdered for their civil rights activities
 - co-starred in a Broadway drama about the lunchcounter sit-ins
- Blanche Bruce was:
 - A Black U.S. Senator from Mississippi
 - A judge of the U.S. Supreme Court
 - The daughter of Yelverton Algernon Bruce
 - A newspaper columnist
- Rosa Parks is noted for:
 - Sitting in the front of a bus in Montgomery, Ala.
 - Sewing the first Black Nationalist Flag
 - Being the first Black woman jockey
 - Cooking the largest sweet potato pie entered last year in the York County (Pa.) Fair.

SEVEN EEO INVESTIGATORS TRAINED, AFFIRMED, AND DESIGNATED

Seven new EEO Investigators completed the Investigator's conference and were affirmed by Lonis C. Ballard, Director, OEE0, on May 17th. The three-day training conference was conducted by the HSMHA Education and Training Committee led by John Coffey.

The seven new investigators are: B.J. Glover, OP, OA; Marilyn Swanson and George Ersek, MCHS; Jessica Haynes and Hoke Glover, NCHSR&D; Hector Sanchez, CHS; and Preston Lee, NIOSH.

The crash program to train the new

investigators was necessary because of the sharp increase in EEO complaints.



Four of seven trained are pictured above, L-R: B. J. Glover, Preston Lee, Marilyn Swanson, and Hector Sanchez.

EDITORIAL STAFF

Shirley Dyson, Editor
Virginia Veal, Design and Layout

EEO EDITORIAL ADVISORY BOARD

John Coffey, Elaine Bailey, Woody Bankhead, Shirlene Gray, Edgar Monetathchi

The EEO Editorial Advisory Board reviews materials submitted for publication. Anyone wishing to submit articles or letters to the Editor may send them to the Editorial Advisory Board, Room 17-34, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

SPECIAL FEATURE WRITER: Lonis C. Ballard, Director, EEO Program, HSMHA

ANSWERS: 1. c; 2. a; 3. a; 4. c; 5. a; 6. a.

Write On

Editor, EEO News

I would like to express myself in answer to Mr. Pinder's letter in the EEO News, Vol. 2, No. 3, March 1973.

As I read the letter I felt the same emotions that Mr. Pinder had, only more. I felt anger, indignation, disgust and a very strong feeling of discrimination. Who are the blacks that they should be given a 10-point veterans preference in the event of a RIF? I work just as hard, and perhaps harder, in my job than any blacks or other minorities that I know, but I do not hear anyone cry that I be given a 10-point veterans preference. Could it be that this is because I am white? He mentions that this should be given to blacks (which he capitalizes) and other minorities (which he does not even bother to specify); it is very obvious who he has in mind for the 10-point veterans preference — the blacks!

I feel that EEO should stand for equality for all races, whites included, and not blacks first, other minorities second and whites last. I am so tired of hearing the blacks insist that they should be given special consideration just because they are black. Isn't this

exactly what they are supposed to be fighting against, special favors because of the color of your skin. If I had any feeling of sympathy for blacks or any other minorities, such letters as the one written by Mr. Pinder completely kills it.

Sincerely yours,
Mrs. Jennie B. Proctor
886 Yarger Drive
Cincinnati, Ohio 45230

Editor, EEO News

I read Mr. Wilber L. Pinder, Jr's letter with interest. Overall, I agree with his contention that minority group employees should have special consideration in case of a RIF. I agree that in a sense he has been in a battle; one which is still going on and is yet to be decided. However, I do not agree with his suggestion to give every minority member a 10 point preference. I would prefer a graduated scale where every minority employee received two years for one, with a maximum of 10 years extra credit. In this

way a minority employee with 5 years would receive 10 years seniority; 10 years receive 20; etc.

I believe this system would be more equitable to both minority employee and non-minority employee as employees should receive some graduated benefit for longevity. Last, I think that all non-minority people should not be faulted for the wrongs of a few. We will never achieve true unity or integration by working discrimination in reverse. I believe our ultimate objective must be to judge an individual by his personal worth and not by his color, religion, nationality or other artificial criteria. We must see only the mind and heart of the individual and form judgments from these. And it is in the same vein that minority members must reject retribution, revenge, and alienation. Only until such time as we all truly become brothers can we say this is a great nation.

Sidney E. Martin

Shown at the regular MCHS monthly Associate Staff meeting are left to right: Jennie Ward, Mary Duvall, Arlene Dietemann, Ruth Davis, Madeline Seidner, Vern Evans, Juanita Pointer, Dorothy Leibovitch, Shirley Bean; Deputy EEO Officer, and Joanne Todaro, Chairwoman. Standing are: Evelyn Stepper, Helen Barney; Womens Program Representative, Helen Lowery, Georgia Mahares, Constance Conlin, Ruth Linthicum, Annie Wagner, Frances Nelson, Karen Ricketts, Sandra Cauraugh, Ella Lamebull, Rae Schectman, Lucille Brown; EEO Counselor, Marilyn Swanson, Bonnie Mitchell, Ruth Nelson, Georgia Joseph, and Catherine Lyons; Associate-of-the-Month.





SPECIAL REPORT

NATIONAL COMMITTEE FOR SUPPORT OF THE PUBLIC SCHOOLS • 1424 SIXTEENTH STREET, N.W., WASHINGTON, D.C. 20036

February, 1970

School Finance: A Matter of Equal Protection?

The question we raise is whether the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States compels a state to afford equal educational opportunity to all students attending the public schools within that state without regard to where they live or the wealth of their local community.

ARTHUR E. WISE

Striking differences exist in the amount of money expended per pupil for public education throughout the United States. Statewide averages of per pupil expenditure estimated for the academic year of 1969-70 range from a low of \$438 in Alabama to a high of \$1,251 in New York.¹ The differences between school districts within a state may be just as great. For example, high expenditure New York State has districts which spend less than \$500, and others which spend more than \$1,500. In 1967, per pupil expenditures in California ranged from \$274 to \$1,710, and in Michigan from \$394 to \$915. No state is without significant ranges in per pupil expenditure.² And, within one local district, Washington, D. C., differences of as much as \$100 in median per pupil expenditure were found to exist among elementary schools at the time of the *Hobson v. Hansen* decision (a case concerned with various types of inequalities of educational opportunity in the District of Columbia public schools). Although school by school expenditure data are scarce, one assumes that such intradistrict disparities are not uncommon.

Public policy which allows the quality of education available to a child to be determined by where he lives is under sharp attack. Critics suggest that school finance systems which foster such inequities may be unconstitutional. They claim that fiscal disparities, insofar as they exist within a state, may violate the equal protection clause of the Fourteenth Amendment. In the past two years citizens in a handful of districts have initiated lawsuits (see pages 4-5) which, if finally successful, would significantly change state school finance arrangements.

What factors in the current finance system encourage the inequities? What do the inequities mean in terms of delivery of school services? What legal issues are involved and what alternative finance systems have been proposed

to meet the constitutional test? These questions are explored in this Special Report.

THE ELEMENTS OF THE INEQUITIES

The bulk of public school revenue is provided through some combination of local and state funds. The mixture varies from state to state—87 percent of New Hampshire school funds comes from local governments; conversely in Delaware the state provides 72 percent of school revenue. Nationally, the local share is 53 cents and the state share is 41 cents of the educational dollar. The remaining 6 cents comes from the federal government.

Local Ability

Local revenue is raised almost entirely from property tax levies. The difficulty is that the wealth of school districts bears no relationship to their educational needs. The cities provide an especially acute illustration. Declining or stagnant property values, a large percentage of low-income families, and the flight of commerce, industry and middle-income residents diminish resources at the same time the number of school children in need of enriched educational programs increases.

Of course, the cities are not alone in facing diminishing resources and increasing demands. Bedroom communities where taxable wealth consists almost exclusively of low to middle value residential properties are finding this an inadequate base to support the many school-age children of young families attracted to these communities. Rural areas with consolidated and mechanized farm holdings, many of which are financed from outside the area and hence produce an outflow of cash, face reduced job and income

opportunities and lagging property tax roll values, while frequently having to support small, uneconomical school units.

Two types of communities appear in sharp contrast to the cities, bedroom communities, and depressed rural areas. Prestigious suburbs enjoying prosperous shopping centers, high-priced residential homes, and residents with above-average incomes generate resources to purchase superior school services with relative ease. Industrial and commercial enclaves with high value property and little, if any, residential property have resources in marked excess of any needs for family and community services.³

What this means in terms of disparities among localities in dollar ability to support public education is illustrated in several states.

In Illinois equalized assessed valuation of taxable property per pupil ranges from \$114,000 to \$3,000, in Michigan from \$53,156 in River Rouge to \$1,319 in Forsyth, in California from \$306,077 in Big Creek to \$3,698 in Olinda.⁴ Further, in Massachusetts, equalized value per pupil ranges from a low of \$5,000 to a high of \$335,938; Indiana counties provide adjusted assessed value per pupil ranging from \$3,949 to \$15,801.⁵ The obvious lack of correspondence between local ability and local need is not only commonplace, but results in extreme interdistrict disparities in many instances.

State Assistance

State aid programs have been characterized as serving many purposes. Foremost among these purposes are:

1. Stimulating the level of local spending for education so that the quality and quantity of school services are improved to the point of obtaining desired social benefits which are more easily recognizable by the society at large than by local units. In pursuing this purpose it is felt that the state should distribute more dollars per pupil to poor districts than to rich districts.

2. Reducing interdistrict differentials in tax rates to provide a greater degree of equity among the households of a state. For instance, one objective of equity is to assure that a given tax rate (price) buys a given quality of service—a high tax rate to provide high quality services and, conversely a low tax rate to provide low quality. Again, this purpose also indicates a flow of more dollars to poor than to rich districts.

3. Exercising some measure of control over the operations of the local unit so that the state may influence the

degree of efficiency, the process of education, or the attention given to particular clients.⁶

State support systems, while varying widely in specifics, distribute funds to local districts in one of four ways—general purpose flat grant, general purpose equalization grant, special purpose flat grant, and special purpose equalization grant. General purpose grants are usually for current operating expenses and special purpose grants are designated for such items as salaries, transportation, textbooks, vocational education, etc. Flat grants are a fixed amount per pupil, per teacher, per classroom unit, or per school district. Equalization grants are a variable amount depending on the relative ability of the local district to support schools.

Our concern is how these various grants tend to distribute funds between poor districts and wealthy districts and thereby equalize disparities in local ability.

A general purpose equalization grant, often referred to as the minimum foundation program, may constitute (although this often is not the case) the largest distribution of state school funds. Basically the grant is a state guarantee of a specified amount per pupil to a district which will tax itself at some minimum level, and state funds are distributed in inverse proportion to a district's fiscal capacity. Virtually every state imposes a dollar ceiling as well as provides a floor to the amount of per pupil expenditure that the state will help support. The ceiling is inadequate in most states as expenditures in even modestly wealthy districts customarily exceed it.

The oldest and simplest type of state support is the general purpose flat grant. When given on a per pupil basis this grant recognizes need in terms of the number of pupils a district must educate but since it is given to both wealthy and poor districts it has no equalizing effect. If a flat grant is awarded on other than a per pupil basis, say on a per teacher employed basis, it will favor the wealthy district which can attract more qualified teachers.

Special purpose grants very frequently require local spending in advance of state reimbursement, a minimum local spending level, or matching funds, and thereby tend to favor wealthy districts having the resources to make the initial expenditures. Generally the greater the number of special purpose grants, the greater the benefit to wealthy districts.⁷

The net affect is that state grant-in-aids do little to equalize disparities in local wealth.

A short illustration of the funding potential of three representative districts pinpoints the failure of the current system to meet the problem of equalization. Assume that a state assures each district \$550 per pupil if it taxes itself at the qualifying rate of 1 percent. Wealthy District A has an assessed valuation per pupil of \$100,000; District B, \$30,000 and District C, \$5,000. Further assume that each places an equal value on education and levies the qualifying rate of 1 percent.

	<i>Tax base per pupil</i>	<i>Tax Rate</i>	<i>Local funds per pupil</i>	<i>State equalization funds</i>	<i>Total Funds per pupil</i>
District A.....	\$100,000	1%	\$1,000	\$ 0	\$1,000
District B.....	30,000	1%	300	250	550
District C.....	5,000	1%	50	500	550

By utilizing the above table the effect that increased local effort would have on the amount of available funds per pupil can also be seen. District B by raising its tax effort to 2 percent, a not uncommon tax rate, would raise local funds in excess of state guarantee to allow expenditures of \$850 per pupil, and at 3 percent could exceed the expenditure level of wealthy District A. The 11 percent tax effort required of District C to match the guaranteed level and thus raise its total funds to that of District A is just not reasonable, aside from the fact that most statutes would not permit it.

DOES MONEY MAKE A DIFFERENCE?

Common sense assumes a positive relation between cost and quality, but what school services are affected by low expenditures and what is the impact on children in poor districts? A recent study, *Schools and Inequality*,⁸ conducted under the sponsorship of the Urban Coalition sheds light on these questions. The study is confined to one state, Michigan, but the demographic, economic and educational factors are not atypical of developing industrial states. While "no analysis of education in one state can serve as a basis for generalizing to conditions in each of the remaining 49 states," we agree with the authors' contention that "what we find to be true in Michigan will also be true to a substantial degree in a majority of the states."

Two of the propositions formulated to guide the research and verified by the findings are of special interest. (See page 6 for a fuller listing of the more significant findings.)

Proposition A. The quality of school services provided to a pupil is related to his socioeconomic status, and that relationship is such that lower quality school services are associated with a pupil's being from a lower socioeconomic status household.

This proposition was tested on three levels—inter-district, interschool and interstudent. The whole range of school services—administrative, curricular and instructional options, staff, equipment and facilities, and student environment—were found to be lower in quality and quantity for children from poor homes than for children from wealthy homes. This allocation of school services holds true for entire school districts which contain a clustering of poor families, for individual schools which enroll large numbers of poor children, and for individual students from poor families regardless of where they attend school.

Proposition B. A relationship exists between the quality of school services provided to a pupil and his academic achievement, and that relationship is such that higher quality school services are associated with higher levels of achievement.

A number of school service components were identified as capable of influencing student achievement. Among them were newer and less crowded facilities, more library volumes, teachers with greater verbal ability, teachers who are satisfied with teaching as a career. All have a positive association with higher student achievement.

This research shows, not unsurprisingly, that the quality and quantity of a variety of school service components make a difference in students performance, and adequate provision of these services is denied children from low socioeconomic status backgrounds—students who have the greatest need for the highest calibre education.

THE APPEAL TO THE COURTS

As the economic noose tightens around poor school districts it is little wonder that school boards, parents, students, educators, and scholars alike despair for a meaningful state legislative response. For years state legislatures, after all, have grappled unsuccessfully (or more likely declined to grapple) with the problem of adequate funds and equalization. An appeal to the courts for assistance seems well justified and perhaps even overdue.

It is generally conceded that education is a state responsibility. Indeed, states have assumed the responsibility and have constitutional provisions relating to the establishment of a system of public education. Local school districts are a subdivision of the state and merely act as agents to which the state has delegated some of its power.

While several alternative formulations have been put forward,⁹ the constitutional argument revolves around state classification of persons. The Fourteenth Amendment, which is concerned with state action as it affects individuals, in part says that no state shall "deny to any person within its jurisdiction the equal protection of the laws." Courts have not construed the "equal protection" clause as requiring identical treatment for all. Courts have construed the clause as requiring a "reasonable" classification for any state action or system which treats individuals differently—"reasonable" to the extent that there is a rational connection between a legitimate legislative purpose and the means of classification. Classification can be on the basis of almost any attribute. For example, some common classifications have been:

sex—women may work only eight hours every day while no statutory limitation is placed on the number of hours a man may work.

geography—a person may legally operate a gambling casino in one county of a state while it is illegal for a person to operate a gambling casino in another part of the state.

age—a person must be 21 years of age to vote.

Historically the Supreme Court has been loath to overturn state statutory classifications even though the basis may not be the most rational nor the wisest alternative, preferring to defer to legislative expertise. In recent years, however, legislative classification in certain areas is no longer always given the benefit of the doubt by the Court and must face the test of a "compelling state interest." Voting rights and criminal justice as it affects indigent defendants are two such areas. And, at least one ground for classification for a particular purpose is no longer constitutionally permissible—classification by race for the purpose of segregation. The holdings of the Court in these important areas—voting rights, criminal justice, and race—suggest the rationale for the proposition that state finance systems which deny equality of educational opportunity to children in poor districts may be a denial of equal protection.

The complexity of the argument, and the difficulty of convincing the courts of its merits cannot be overstated. The only case to reach the Supreme Court arose in Chicago. In this case, *McInnis v. Ogilvie*, a three-judge federal district court dismissed the complaint for failure to state a cause of action. Plaintiffs had asked that Illinois legislation which provided for and permitted the distribution of monies "not based upon the educational needs of children" and resulting in unequal per pupil expenditures "be declared unconstitutional" and "a permanent injunction be granted." In its dismissal the federal district court was not unmindful of the inequities and recognized that there were "wide variations in the amount of money available for Illinois school districts both on a per pupil basis and in absolute terms," and that "presumably students receiving a \$1,000 education were better educated than those acquiring a \$600 schooling." Nevertheless, it found the Illinois statutes neither discriminatory nor arbitrary and further stated that it could discern no "judicially manageable standards" upon which to grant relief. On appeal from the district court's dismissal of the suit, the U.S. Supreme Court summarily affirmed the district court without oral argument or formal opinion.

Feeling that the Supreme Court may have desired only to avoid the issue as it was presented in this particular case, the protagonists view the *McInnis* decision as merely a temporary setback. It nonetheless has placed prospective litigants on notice that complex concepts such as "educa-

Continued on page 7

COURT SUITS CHALLENGING STATE SCHOOL FINANCE SYSTEMS: DOES THE CONSTITUTIONAL GUARANTEE OF EQUAL PROTECTION BAR SUBSTANTIAL DISPARITY IN PER PUPIL EXPENDITURE?

Case	Plaintiffs	Defendants	Claim	Remedy	Status
California, Los Angeles <i>Serrano, Jr. et al. v. Priest et al.</i>	School children and parents from a number of Los Angeles County school districts.	Treasurer, Tax Collector, and Superintendent of Public Schools in the County of Los Angeles; the Treasurer, Controller, and Superintendent of Public Instruction of the State of California.	Plaintiffs claim that California's system of education finance violates the Equal Protection clause of State and Federal Constitutions. Plaintiffs allege that the finance system results in wide disparities between school districts in amounts of money available for per pupil expenditures, with consequent disparities in the quality and extent of educational opportunities, which are not justified in terms of varying educational needs. The plaintiffs allege that there is no reasonable relation between any educational objective or need, and use of school districts as units for differential allocations of educational funds or the part of the state finance scheme which permits each school district to retain and spend within that district all property tax collected there. Plaintiffs allege that as a result of the education financing scheme, they are required to pay a higher tax rate than taxpayers in many other districts in order to receive for their children the same or lesser educational opportunities.	Plaintiffs ask that defendants be ordered to reallocate the funds available for financial support of the school system, including funds from property taxes, and to restructure the finance scheme so as to provide equal educational opportunities for all children in the state and, if defendants and the legislature fail to act, that the court regulate collection of property taxes and apportion school funds in satisfaction of the obligation of the state constitution to maintain a system of free public schools and the equal protection clauses.	The case was dismissed in the lower State Court of California without any other opinion than a citation to <i>McIntis v. Ogilvie</i> . The case has been appealed to the intermediate State Court.
California, San Francisco <i>Silva v. Atascadero Unified School District.</i>	Students and parents.	State of California.	Plaintiffs allege that education is made dependent upon the wealth of their parents and neighbors, through use of local property taxes measured by the tax base of the school district in which they reside, when "there is no relation between education objectives or need and the use of school districts as units for differential allocations of educational funds."	Plaintiffs ask that defendants be ordered to reallocate the funds available for financial support of the school system, including funds from property taxes, and to restructure the finance scheme so as not to violate equal protection clauses of federal and state constitutions, and if defendants and the legislature fail to act, that the court regulate collection of property taxes.	Filed in the lower State Court in California.
Illinois, Chicago <i>McIntis et al. v. Shapiro et al.</i> (subsequently <i>McIntis et al. v. Ogilvie et al.</i>)	High school and elementary school students attending school within four school districts of Cook County, Ill. and a corporate plaintiff, the Concerned Parents and People of the West Side.	Governor of the state, Superintendent of Public Instruction, the Treasurer, and the Auditor of Illinois.	Plaintiffs charge that the state acted unconstitutionally in creating an education finance system which results in plaintiff's school districts receiving per pupil expenditures "far below" those provided other districts. The plaintiffs further allege that as a direct result of the method of financing public education, there exist material disparities in the quality of educational programs, facilities, and services, and in the level of educational attainment achieved, in the different school districts.	Plaintiffs ask that various Illinois legislation which provides for and permits the distribution of monies "not based upon the educational needs of children" and resulting in unequal per pupil expenditures "be declared unconstitutional" and "a permanent injunction be granted."	A three-judge Federal district court dismissed the complaint for failure to state a cause of action and for non-justiciability. The U.S. Supreme Court summarily affirmed the district court opinion without oral argument.
Michigan, Detroit <i>The Board of Education of The School District of the City of Detroit et al. v. The State of Michigan and Allison Green, its Treasurer.</i>	Detroit School Board, students and their parents.	State of Michigan and its Treasurer.	Plaintiffs allege that the finance system fails to allot the school districts in which they reside educational resources and educational opportunities substantially equal to those provided in many other school districts. Plaintiffs allege that the system is deficient in failing to relate to the district variations in educational needs, quality of existing educational facilities, and levels of educational costs and expenses (i.e., for school construction and salaries).	Plaintiffs ask that execution of the "State Aid Act" be enjoined, and that state funds be reapportioned so as to provide substantially equal education opportunities for all children in the state.	Pending in State Court.
Texas, San Antonio <i>Rodriguez et al. v. San Antonio Independent School District et al.</i>	Certain students in public and private schools in Edgewood Independent School District situated within the city limits of San Antonio and their parents. (93% of the children in Edgewood District are of Mexican descent.)	State Board of Education and State Commissioner of Education.	Plaintiffs contend that the system of independent school districts, whereby each districts' educational resources are to a large degree dependent upon money which can be raised locally, resulting in smaller amounts of money being spent on students in plaintiffs' district, as compared with other state school districts, deprives them of equal protection of the laws. The equal protection claim is based on a state constitutional requirement that the state provide a public free school system. Plaintiffs also contend that racial discrimination against Mexican Americans, of which there is a pattern in the southwest United States, is increased (and willfully) by the tax and financing system of Defendant School Districts, and the laws providing for such a scheme are therefore unconstitutional.	Plaintiffs ask the court to declare that the taxing and financing system is void. Plaintiffs ask that the defendants be ordered to reallocate the funds available for financial support of the school system and otherwise to restructure the financial system in such a manner as not to violate equal protection so that equal public school educational opportunities are provided for the students in plaintiffs' district. If defendants and the legislature fail to act as above, plaintiffs ask that the court perform those acts.	Filed in United States District Court, Western District of Texas, San Antonio Division.
Virginia, Bath County <i>Burrus et al. v. Wilkerson et al.</i>	Students in public schools of Bath County; taxpayers in Bath County.	Public school and finance officials of the State of Virginia; Clerk of the House of Delegates of Virginia.	Plaintiffs are denied equal protection of the law by state laws creating substantial disparities in quality of, and facilities for, education provided in Bath County as compared to other areas of the state. Students and taxpayers of Bath County, where 46% of the residents earn less than \$3,000 a year, request an end to educational discrimination related to their poverty. They allege that the education finance system discriminates against them by preventing them from the raising of local tax revenues adequate to provide minimal educational opportunity even while their tax rates are set at the legal ceiling. In addition, they allege discrimination in that the state's educational aid supplements are related to the locality's education spending from local tax sources, a factor actually <i>increasing</i> total education resource disparities between school districts. Plaintiffs further allege that the system fails to take into account the added costs necessary to provide substantially equal educational opportunities—buildings, equipment, teachers, books, curriculum—in their rural areas. They state that the Virginia legislature has not made positive attempts to deal with expenditure disparities within the state.	Plaintiffs ask the Court to declare the state formulae for apportionment of education monies unconstitutional and to retain jurisdiction of the action in order to give the legislature a reasonable time to reapportion funds in such a way as to meet equal protection requirements and to direct reapportioning if the legislature fails to act.	Plaintiffs have appealed to the U.S. Supreme Court. A three-judge Federal court in the Western District of Virginia dismissed the case, citing the <i>McIntis v. Ogilvie</i> decision.
Wisconsin, Racine. <i>Below et al. v. the State of Wisconsin et al.</i>	Students in public schools and their parents.	State of Wisconsin, its Treasurer, and the Superintendent of Public Instruction.	Plaintiffs allege that as a result of the delegation of the power to tax to various state subdivisions created without uniformity of tax base, and the manner of appropriation to the various divisions of sums of money in the state school fund, substantial disparities exist in the quality and extent of public education available in the several school districts of the state. They also allege that state aid fails to compensate to any extent for substantial differences in needs of the school districts, for the varying conditions of school facilities, or for the varying costs of those districts, particularly the extreme expense of providing educational opportunities to those children who live in the extremely disadvantaged urban areas.	Plaintiffs ask that the legislature be given reasonable time to reapportion school districts and that the court make appropriate apportionment of state funds if the legislature fails to act.	Filed in State Court (Dane County Circuit Court).

Information provided by The Lawyers' Committee for Civil Rights Under Law, Washington, D. C.

Additional information can be obtained by writing to:

The Lawyers' Committee for Civil Rights Under Law, 1660 L Street, N.W., Room 1001, Washington, D. C. 20036

Schools and Inequality

DEMOGRAPHIC, ECONOMIC, AND EDUCATIONAL FACTORS

Demographic—Michigan has several major population centers consisting of core cities with surrounding suburbs. A significant minority of its citizens still live in rural areas with low population densities.

Economic—There is a mixture of heavy manufacturing, the nucleus of new space age industries, substantial agricultural production, and significant extractive and recreational enterprises.

Educational—School districts range in size from "Lilliput-like little red school houses to the colossus-sized school district of the City of Detroit with some 300,000 pupils in over 300 schools." And, as in every state, there is a significant range in per pupil expenditure from a high of over \$1,000 to a low of slightly more than \$400.

DATA AND TERMINOLOGY

Data collected for *School Finance and Educational Opportunity in Michigan* (Thomas Report), an official statewide educational survey conducted for the Michigan legislature, and data for the *Equality of Educational Opportunity* survey (Coleman Report) served as the basic information for the Urban Coalition Study. The particulars of the analytical design are beyond the scope of this report; however, a brief explanation of the variables will assist the reader during the discussion of the findings.

Socioeconomic Status (SES)—Using such indicators as income, occupation, housing, and level of education; each district, individual schools, and individual students in the sample were rated and assigned a socioeconomic status score. The scores for each group—district, school and student—were ranked respectively to provide a low to high spectrum.

School Services—This broad category is classified into five groups of services: (1) Administrative Services, (2) Equipment and Facilities, (3) Curricular and Instructional Arrangements, (4) Staff Characteristics, and (5) Student Environment.

Pupil Performance—This is measured by students' scores on standardized tests in three cognitive areas: verbal ability, reading achievement, and mathematics achievement.

SOME MAJOR FINDINGS OF THE MICHIGAN STUDY

Proposition A. The quality of school services provided to a pupil is related to his socioeconomic status, and that relationship is such that lower quality school services are associated with a pupil's being from a lower socioeconomic status household.

One of the most significant findings of this study is the positive relationship between SES and the provision of school services for entire school districts.

Interdistrict

Important differences exist among the districts in the **curricular and instructional** options available to students. High SES districts are more likely to have adopted one of the new science programs such as the Biological Science Curriculum Study. The lowest SES districts, in most cases, have adopted none. Low SES districts provide fewer instructional innovations. In the lowest SES districts an average of 14 percent of the high school students are enrolled in foreign language courses while in the highest SES districts 44 percent are enrolled. Lower SES districts offer fewer services to children in need of speech correction, to the blind, deaf, crippled, or to the mentally retarded. They also provide fewer services to children who are gifted verbally, quantitatively, or artistically.

While the measures of **staff characteristics** are only indirect indicators, they suggest significant differences in staff quality between high and low SES districts. It was found that high SES districts provide more days of released time to teachers for inservice activities and have higher proportionate budgets for teacher inservice training. Superintendents of high SES districts have more years of formal schooling than do superintendents of low SES districts. Staff allocation patterns can indicate a district's ability to support staff specialization—a characteristic associated with high performance. School principals in low SES districts, at all grade levels, are more likely to be teacher-principals than in high SES districts. Teachers in low SES districts teach more hours, and make more separate subject matter preparations per day.

Interschool and Interdistrict

Here it was possible to measure, more precisely, **facilities**, the extremely important **staff characteristics**, and **student environment**. Low SES schools tend to be housed in older buildings and they are more crowded. Teachers in low SES schools would be less likely to repeat teaching as a career if they had a chance to choose again; they would be more likely to choose another school if given

the chance. Teachers of poor children appear to have less verbal ability than the teachers of more affluent children. Teachers in low SES schools have low estimates of the academic abilities of their students and frequently pictured their students as not being interested in learning. More students transfer in and out of low SES schools than of high SES schools. In low SES schools teachers report a high degree of conflict among students and complain about having to spend too much time on discipline and losing too much time because of class-time interruptions. All in all, "This environment does not seem to support close emotional and intellectual relationships between and among a community of scholars and their eager charges."

Proposition B. A relationship exists between the quality of school services provided to a pupil and his academic achievement, and that relationship is such that higher quality school services are associated with higher levels of achievement.

Seventeen major studies which controlled out-of-school factors were reviewed. These studies have identified several school service components as having an influence on academic performance of pupils. From this review, 13 school service components were selected and tested against pupil performance in Michigan. This assessment reinforced the results of the prior studies. It shows that the quality and quantity of services make a difference in what children learn and that inadequate services lead to lower levels of academic achievement. The findings are as follows:

Inadequate physical **facilities**, such as older schools and fewer classrooms, correspond to lower levels of academic achievement. Two measures of **instructional materials**, the number of library volumes per 1,000 students and adequate numbers of textbooks, are both linked with higher student performance. Teacher verbal ability, an attribute reflective of a large constellation of a **teacher's capabilities**, has a positive correlation with pupil achievement. The pupils of teachers who would choose teaching again as a career and who would choose the same school had significantly higher academic achievement than those who had dissatisfied teachers. Where school staff was viewed as working well together, students achieved well. Conversely, where staff was seen not to work well together, student achievement declined. In terms of **student environment**, high rates of student turnover and larger numbers of students attending a school are associated with low student achievement.

tional needs" and "equal educational opportunity" must be more clearly defined and that other "manageable standards" may have to be formulated on which to base future lawsuits.

A LOOK AT POSSIBLE OUTCOMES

If the current school finance systems were declared unconstitutional, some broad standard around which to develop new distribution systems would have to be promulgated. The dialogue surrounding the constitutional arguments has led to development of some alternate standards which might be applied. Two of the current proposals are outlined very briefly below:

Arthur Wise¹⁰ has posited this: "The basic rule would require that there be an approximately equal per pupil expenditure throughout the state." Application of the rule would require the maximum discrepancy in per pupil expenditures not to exceed a specified ratio, say of two to one or one-and-one-half to one. He assumes that a mechanism to provide "additional resources to school districts with high concentrations of students with low academic achievement" could also be allowed. He suggests that any of three plans to distribute educational funds equitably could be used to meet the standard. One plan would be for the state to assume responsibility for all education funding. (This plan has also been proposed by, among others, James Allen, James Conant, the Advisory Commission on Intergovernmental Relations and Michigan Governor William G. Milliken.) A second plan would be to equalize the tax bases of local school districts by redrawing district lines. A third would involve manipulation of the equalization formulas.

Coons, Clune and Sugarman¹¹ have stated this proposition: "The quality of public education may not be a function of wealth other than the wealth of the state as a whole." They have also suggested two distribution systems which they characterize as "District Power Equalizing" and "Family Power Equalizing." The essence of these two systems is that effort alone becomes the measure of the permissible per pupil expenditure.

For example, under "District Power Equalizing" a district would be permitted to spend only a per pupil amount fixed by law based on the tax rate it chooses to levy—irrespective of the actual amount of local collections. The legislature, for instance, might develop a scale which specifies the local tax rate and a corresponding permissible per

pupil expenditure. A minimum of 10 mills would set the expenditure at \$500, a maximum of 30 mills would set the expenditure at \$1,500. The legislature might also require statewide redistribution of excess local collections from rich districts to assist the state in supporting poor districts with insufficient funds. This system would not guarantee equal dollars per pupil but would guarantee that the same tax effort would result in the same per pupil expenditure.

"Family Power Equalizing" is the application of the same principle to the family. For each level of effort made by the family against its income per child a specific level of spending would be permitted the family. The allowance could be given in some form of scrip with which to purchase education. If desired, both public and private schools might participate in a system which would match schools with the spending level permitted to the family.

Even if the present lawsuits are unsuccessful in having the established finance systems declared unconstitutional, they are not without significance. The lawsuits dramatically illustrate the inadequacies of the current systems to state policy makers and the general public. They pinpoint the need for precisely defining educational concepts and goals. The issue has surfaced proposals of more equitable distribution arrangements and alternative standards by which to measure school finance systems. Additional proposals undoubtedly will be forthcoming. It must be noted that the courts exercise considerable restraint in granting judicial review of new constitutional questions. Several rounds of litigation may ensue. But, the court's own statement about the importance of education would seem to indicate that inequitable distribution of educational resources may ultimately result in successful judicial action:

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."¹²

REFERENCES

1. National Education Association, Research Division. *Estimates of School Statistics, 1969-70*. Washington: The Association, 1970.
2. U.S. Department of Health, Education, and Welfare. *Profiles in School Support: A Decennial Overview*. Washington: Government Printing Office, 1965.
3. L. L. Ecker-Racz and Eugene McLoone. "The State Role in Financing Public Schools." *State School Finance Laws Handbook*. Evanston: National School Boards Association, 1968.
4. *Amicus Brief filed in McInnis v. Ogilvie* by The Urban Coalition, National Education Association of the United States, The Research Council of the Great Cities Program for School Improvement, The Lawyers' Committee for Civil Rights Under Law.
5. Advisory Commission on Intergovernmental Relations. *State Aid to Local Government*. Washington: The Commission, 1969.
6. Charles S. Benson. *The Economics of Public Education*, 2nd Edition. Boston: Houghton Mifflin Company, 1968.
7. Eugene McLoone. "An Approach to School Finance Laws." *State School Finance Laws Handbook*. Evanston: National School Boards Association, 1968.
8. James W. Guthrie, George B. Kleindorfer, Henry M. Levin and Robert T. Stout. *Schools and Inequality*. The Urban Coalition. Washington, D. C. 1969.
9. Arthur E. Wise. *Rich Schools, Poor Schools: The Promise of Equal Educational Opportunity*. Chicago: University of Chicago Press, 1969; John E. Coons, William H. Clune, III, and Stephen D. Sugarman. "Educational Opportunity: A Workable Constitutional Test for State Financial Structures," *California Law Review*, April, 1969; Harold W. Horowitz and Diana L. Neitring. "Equal Protection Aspects of Inequalities in Public Education and Public Assistance Programs from Place to Place within a State," *UCLA Law Review*, April, 1968; David L. Kirp, "The Constitutional Dimensions of Equal Educational Opportunity," *Harvard Educational Review*, Fall, 1968.
10. Arthur E. Wise. "The Constitutional Challenge to Inequities in School Finance," *Phi Delta Kappan*. Vol. LI, No. 3, November, 1969.
11. "Educational Opportunity: A Workable Constitutional Test for State Financial Structures." *Supra*.
12. *Brown v. Board of Education*, 347 U.S. 483, 493, 1954.

Other Reading

Harvard Educational Review Editorial Board, *Equal Educational Opportunity*. Cambridge: Harvard University Press, 1969.

The University of Chicago Center for Policy Study. *The Quality of Inequality: Urban and Suburban Public Schools*. Chicago: The University of Chicago Press, 1968.

James A. Bensfield. "School Financing and The Fourteenth Amendment," *Inequality in Education*. No. 1: October, 1969. Cambridge: Harvard Center for Law and Education.

J. Alan Thomas. *School Finance and Educational Opportunity in Michigan*. Lansing, Michigan: Michigan Department of Education, 1968.

Special Report prepared by Marian F. Bendixsen, Executive Associate

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Conrad Lower
September 19, 1967

This tablet belongs to a poor kid named Conrad Lower who has the misfortune of going to a crummy "school" like Gordon Jr. High and believe me this school is a pile of pig sh-- compared to my old school, Kenmore Jr. High. That school had much better equipment, you had a choice of what you wanted to take. They taught football and wrestling and they had much better teachers. (I am just assuming, because this is just the 2nd day of school but if the teachers are anything like the rest of this school I'm sure that they are just as bad.) It is the most uncomfortable school also. You have to wear a tie every day, no sport shirts, no tennis shoes, no jeans and you have to wear socks and hard shoes. It is also the most disorganized school. The first day I sat from 9:00 to 11 waiting for them to give me a home room section. Then they handed me just any old program and made me follow that for two or three days. This place looks like a pig sty from the inside.

The furniture is either the same furniture that they had in 1928 or it is hand-me-downs from Kenmore. They are so cheap that they make you buy two locks at \$1.60 each for locking. You can't buy them somewhere else, you have to buy them from the cheap school. In the cafeteria you have to sit at an assigned table--what they call a playground is just a mess of cracking concrete. I am surprised that they have advanced enough to have put in an intercom system. The heating system is as old as the hills and they don't even have fans. Their gym is lousy like everything else in the place. The library is about as big as one of the small classrooms. Kenmore has about ten times as many books. The facilities in the science classrooms are nothing compared to Kenmore. The teachers are old bags. I think the flags still have 48 stars on them. I think I am going to be sick when I go to my next class. I would rather be back at Kenmore and have all my teachers like Mr. Dawson than stay here. They still haven't finished painting the place yet. When you go to the bathroom you probably have to dig yourself a hole, go to the bathroom, then fill it back in.

I'm sure any school outside of Washington would be better. I ought to commit suicide. I will kill myself yet marching up and down those stairs. I'm sure I wouldn't send my child to a school of this quality. But mon probably didn't know what it was like, so it really isn't her fault. This school is terrible. It might be half decent if it models itself after Kenmore.

All the good things about Gordon:

- 1.
- 2.
- 3.
- 4.
5. I give up!

Notes on conversation 11/13
with Thomas James, Dean of Education
Stanford University

Stanford University School of Education, Committee on Administration Education, recommended Dr. Manning as an outstanding graduate with relevant experience who was available for the position.* Dean James also said he thought the Committee had recommended one or two other names for the D. C. Superintendent position.

This Committee is often asked for recommendations--had submitted Manning's name to other Districts but he (Manning) was not interested in the other possibilities because he wanted his next step to be to a large city superintendency.

No objections to Manning's nomination were voiced by other Consultants. (The Consultants were voluntary--were not paid an honorarium.)

James had also recommended Wilson Riles and would have recommended and supported Dr. Lessinger but he didn't think Lessinger would be interested . . . now makes higher salary . . . did not think Lessinger would want to become involved with such an impossible school system. Ianni called to ask if Lessinger would be available for an interview--James agreed that my conversation with Lessinger was correct (outlined in the memo of my conversation with Dr. Sessions 11/8)--Lessinger did state he would be available for an interview and for the position if sufficient support existed--no telegram was sent to Columbia University advising Ianni to the contrary--as stated by Mrs. Anita Allen at the Gordon Jr. High School PTA meeting 11/8.

James confirmed that Manning has no particular standing nationally among traditional educational groups such as AASA and the OE Advisory Committees--his standing comes through intellectual competence and prior job achievement. James pointed out that Manning was the scholarly intellectual type--who works within the framework of the local educational system.

* As a Stanford graduate, it is important to point out that "old grads" can notify the University anytime that they are in the market for a new position. These names are referred to potential employers. Manning was on this list. To identify and select a man because he was the most outstanding superintendent in California or in the nation apparently was not the question.

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11

pk. file
schools

INTRODUCING . . .

THE FEDERAL CITY COLLEGE
OF THE DISTRICT OF COLUMBIA

WHEN THE DOORS OF THE NEW FEDERAL CITY COLLEGE OPEN IN SEPTEMBER, 1968, DISTRICT OF COLUMBIA RESIDENTS WILL BE ABLE FOR THE FIRST TIME IN HISTORY TO ATTEND THEIR OWN COMPREHENSIVE PUBLIC COLLEGE.

HOW IT STARTED: THE NEED FOR PUBLIC HIGHER EDUCATION HAS LONG BEEN RECOGNIZED BY RESIDENTS OF THE DISTRICT OF COLUMBIA -- THE ONLY AREA IN THE ENTIRE UNITED STATES WHERE SUCH OPPORTUNITY HAS NOT BEEN AVAILABLE.

AFTER LOCAL COMMUNITY AND CONGRESSIONAL ACTION, PUBLIC LAW 89-791 WAS ENACTED IN 1966 TO CREATE PUBLIC UNDERGRADUATE AND GRADUATE EDUCATIONAL FACILITIES IN WASHINGTON, D.C. THE LAW WAS DERIVED FROM A REPORT BY THE PRESIDENT'S COMMITTEE ON PUBLIC HIGHER EDUCATION FOR THE DISTRICT OF COLUMBIA APPOINTED BY THE LATE PRESIDENT KENNEDY, AND CONTAINED A MANDATE FOR THE ESTABLISHMENT OF A COLLEGE BY A SPECIALLY CREATED BOARD OF HIGHER EDUCATION. AN ADMINISTRATIVE STAFF HAS BEEN APPOINTED AND CHARGED WITH RESPONSIBILITY FOR OPENING THE NEW COLLEGE IN THE FALL OF 1968.

WHO MAY ATTEND: IN KEEPING WITH THE DESIRE TO SERVE THE DISTRICT OF COLUMBIA, RESIDENTS OF THE DISTRICT MAY BE ADMITTED IF THEY HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT AS MEASURED BY TESTS OR BY EXPERIENCE. TO PROVIDE DIVERSIFIED SOCIAL, ECONOMIC AND CULTURAL REPRESENTATION AMONG THE STUDENT BODY, APPLICATIONS ALSO WILL BE SOUGHT FROM OTHER PARTS OF THE UNITED STATES AND FROM FOREIGN COUNTRIES. DIFFERENT ADMISSIONS STANDARDS MAY BE APPLIED TO OUT-OF-DISTRICT CANDIDATES.

THE COLLEGE SEEKS TO SERVE MANY TYPES OF STUDENTS. SOME STUDENTS WILL BE ENTERING COLLEGE FOR THE FIRST TIME. OTHERS WILL TRANSFER FROM VARIOUS COLLEGES AND UNIVERSITIES. ADULTS WHO HAVE BEEN AWAY FROM SCHOOL FOR YEARS MAY SEEK TO EXTEND THEIR OCCUPATIONAL AND CULTURAL HORIZONS. SOME STUDENTS MAY WANT SPECIFIC COURSES DESIGNED TO MEET CERTIFICATION OR OTHER EDUCATIONAL REQUIREMENTS IN THEIR FIELDS.

HOW TO APPLY FOR ADMISSION: TO APPLY FOR ADMISSION, SIMPLY COMPLETE THE SHORT, TWO-PAGE APPLICATION FORM AND MAIL IT TO THE ADMISSIONS OFFICE, THE FEDERAL CITY COLLEGE. AT THE SAME TIME, ASK YOUR LAST HIGH SCHOOL AND COLLEGE (IF YOU HAVE BEEN TO COLLEGE) TO SEND A TRANSCRIPT OF YOUR RECORD AND A SUMMARY OF GUIDANCE INFORMATION.

NO ADMISSIONS TESTS ARE REQUIRED. TEST DATA, HOWEVER, IS USEFUL FOR COUNSELING PURPOSES, AND STUDENTS WHO DO TAKE COLLEGE ENTRANCE TESTS ARE ENCOURAGED TO HAVE RESULTS SENT TO THE FEDERAL CITY COLLEGE.

AFTER ADMISSION TO THE COLLEGE, AND BEFORE THE BEGINNING OF CLASSES, STUDENTS WHO PLAN TO ENROLL IN THE LOWER DIVISION (FIRST TWO YEARS OF COLLEGE) WILL BE ASKED TO TAKE CERTAIN TESTS TO PROVIDE INFORMATION USEFUL IN COUNSELING AND IN SELECTING COLLEGE COURSES.

NO FEE IS REQUIRED TO APPLY FOR ADMISSION TO THE FEDERAL CITY COLLEGE. HOWEVER, OUT-OF-DISTRICT RESIDENTS WILL BE ASKED TO PLACE \$25 ON DEPOSIT TO BE APPLIED TOWARD OUT-OF-DISTRICT TUITION FEES FOR THE COMING YEAR. THIS IS NOT AN ADMISSIONS CHARGE, BUT RATHER A DEPOSIT TO RESERVE A PLACE FOR THE SCHOOL YEAR. NO FEES OR DEPOSITS ARE PLANNED FOR DISTRICT OF COLUMBIA RESIDENTS.

PROGRAMS
OFFERED:

THE FEDERAL CITY COLLEGE WILL PROVIDE:

- A PROGRAM LEADING TO AN ASSOCIATE IN ARTS DEGREE WHICH WILL
 1. CONSTITUTE THE FIRST LEVEL OF WORK FOR THE BACHELOR'S DEGREE, OR
 2. SERVE AS A CORE OF BASIC EDUCATION DESIGNED TO PROVIDE SPECIFIC SKILLS USEFUL FOR PARTICULAR OCCUPATIONS.
- A PROGRAM IN LIBERAL ARTS AND SCIENCES, LEADING TO A BACHELOR'S DEGREE. THE CURRICULUM WILL BE BROAD, WITH OFFERINGS IN THE HUMANITIES, BIOLOGICAL AND PHYSICAL SCIENCES, MATHEMATICS, AND THE SOCIAL SCIENCES, STRESSING SUCH FIELDS AS ANTHROPOLOGY, SOCIOLOGY, POLITICAL SCIENCE, AND ECONOMICS WITH SPECIAL EMPHASIS ON THEIR RELATIONSHIP TO URBAN DEVELOPMENT. BACHELOR'S DEGREES MAY ALSO BE OFFERED IN A LIMITED NUMBER OF PROFESSIONAL FIELDS, SUCH AS THE FINE ARTS, MUSIC, THEATRE, EDUCATIONAL TECHNOLOGY, COMPUTER SCIENCE, HOME ECONOMICS AND NURSING, FOR EXAMPLE.
- ADULT EDUCATION COURSES — BOTH CREDIT AND NONCREDIT — AND WORKSHOPS, INSTITUTES AND SPECIAL PROGRAMS.
- A PROGRAM OF GRADUATE STUDY, LEADING TO A MASTER'S DEGREE OR CERTIFICATION IN SPECIFIC CAREER FIELDS. IN THE EARLY YEARS, EMPHASIS MAY BE PLACED ON FIELDS SUCH AS COUNSELING AND GUIDANCE, LIBRARIANSHIP, HOME ECONOMICS AND URBAN DEVELOPMENT.

MAXIMUM USE IS PLANNED OF THE VARIED EDUCATIONAL FACILITIES AVAILABLE IN WASHINGTON SUCH AS THE FOLGER SHAKESPEAREAN LIBRARY, THE SMITHSONIAN INSTITUTE, THE NATIONAL GALLERY OF ART, AND THE LIBRARY OF CONGRESS.

SIMILARLY, A COOPERATIVE WORK/STUDY PROGRAM IS BEING DEVELOPED TO MAKE FULL USE OF OPPORTUNITIES PROVIDED BY GOVERNMENTAL AGENCIES AND LOCAL ASSOCIATIONS AND BUSINESSES. THE PROGRAM SHOULD BOTH PROVIDE YOUNGER STUDENTS WITH MEANINGFUL EXPOSURE TO WORK RELATED TO THEIR LONG-TERM INTERESTS AND PERMIT OLDER STUDENTS WHO NEED FINANCIAL SUPPORT TO WORK WHILE COMPLETING THEIR EDUCATION.

COST:

FOLLOWING THE TRADITION OF PUBLIC EDUCATION, EMPHASIS HAS BEEN PLACED ON KEEPING THE COST OF COLLEGE TRAINING AS LOW AS POSSIBLE FOR STUDENTS OF THE FEDERAL CITY COLLEGE. THERE WILL BE NO TUITION CHARGE FOR DISTRICT OF COLUMBIA RESIDENTS, BUT OUT-OF-DISTRICT STUDENTS WILL BE REQUIRED TO PAY TUITION CHARGES APPROXIMATING THE COST OF INSTRUCTION. ALL STUDENTS WILL BE EXPECTED TO PAY FOR THEIR OWN BOOKS, TRANSPORTATION, MEALS, LODGING AND OTHER PERSONAL EXPENSES.

WHEN WILL
IT OPEN?

THE PROPOSED ACADEMIC CALENDAR FOR THE FIRST YEAR IS:

SUMMER SESSION	JUNE-AUGUST, 1968
FALL QUARTER	SEPTEMBER-DECEMBER, 1968
WINTER QUARTER	JANUARY-MARCH, 1969
SPRING QUARTER	APRIL-JUNE, 1969

LOCATION:

THE FEDERAL CITY COLLEGE WILL BE LOCATED AT FIRST IN TEMPORARY FACILITIES WHILE A PERMANENT SITE IS BEING DEVELOPED. BOTH THE TEMPORARY AND PERMANENT LOCATIONS WILL BE WITHIN THE DISTRICT OF COLUMBIA AND SELECTED TO MEET STANDARDS SUCH AS EASE OF TRANSPORTATION, CONVENIENCE TO THE HOMES AND PLACES OF WORK OF STUDENTS, AND EASE OF ACCESS TO THE CITY'S EDUCATIONAL RESOURCES.

FACULTY AND

STUDENT SERVICES: FACULTY MEMBERS OF THE FEDERAL CITY COLLEGE WILL BE CHOSEN ON THE BASIS OF COMPETENCE IN THEIR FIELDS AND PRIMARY CONCERN FOR TEACHING. EMPHASIS AT THE COLLEGE WILL BE PLACED UPON THE ABILITY TO RELATE TO STUDENTS RATHER THAN ON RESEARCH OR PUBLICATION INTERESTS.

FURTHER

INFORMATION:

FOR FURTHER INFORMATION, CONTACT:

THE FEDERAL CITY COLLEGE OFFICES
1411 K STREET N.W.
WASHINGTON, D.C. 20005

PHONE: 737-1556

OR USE THE ATTACHED FORM TO INDICATE YOUR INTEREST.

THE FEDERAL CITY COLLEGE
APPLICATION FOR ADMISSION

I want to start college:

☐ Summer (June) 1968

☐ Fall (Sept.) 1968

☐ Winter (Jan.) 1969

☐ Spring (April) 1969

My Social Security Number:

1. ☐ Mr.
☐ Mrs.
☐ Miss

Full legal name (First, Middle, Last)

2. Present Address Zip code

3. How long at this address? Phone Home Business

4. Permanent Address Zip code

5. Date of Birth 6. Nearest relative
Month, day, year Name

Relationship Address

7. If you have ever registered at any school or college under a different name, including a maiden name, please give the name used:

8. Please check:

☐ Male ☐ Married

☐ Female ☐ Single (incl. widowed, divorced)

9. Do you plan to apply for work-study or financial aid? ☐ yes ☐ no

Are you applying for VA benefits? ☐ yes ☐ no

10. I want to attend:
☐ day classes only as a:
☐ evening classes only ☐ full-time student
☐ either day or evening classes ☐ part-time student
☐ as course schedule requires ☐ student in adult education (non-credit)

11. Name and location of last high school attended City, State

12. Name and location of last university, college or professional school attended, if any City, State

13. When I enter The Federal City College, I will have:
☐ a high school diploma ☐ a diploma of General Educational Development
Date of diploma Where issued

Month, year City, State

14. I have requested ☐ the above college (and) ☐ my high school to mail a transcript to The Federal City College Admissions Office.
☐ yes ☐ no

15. If you have been employed, been in military service, or have attended other colleges or universities since leaving high school, please summarize:

16. I hereby certify that the information on this form is complete and accurate.

Date of application

Signature of applicant

Undergraduate Course Preferences* To help us plan the Bachelor's degree and Associate in Arts courses our students want, please check three of the following courses you most want to study. If a subject you want is not listed, please write it in:

<input type="checkbox"/> Anthropology	<input type="checkbox"/> Engineering	<input type="checkbox"/> Library Aide	<input type="checkbox"/> Secretarial
<input type="checkbox"/> Art	<input type="checkbox"/> English	<input type="checkbox"/> Mathematics	<input type="checkbox"/> Training
<input type="checkbox"/> Biological Sciences	<input type="checkbox"/> Foreign Languages	<input type="checkbox"/> Music	<input type="checkbox"/> Sociology
<input type="checkbox"/> Business	<input type="checkbox"/> (Which language?)	<input type="checkbox"/> Nursing	<input type="checkbox"/> Speech
<input type="checkbox"/> Chemistry		<input type="checkbox"/> Philosophy	<input type="checkbox"/> Theater
<input type="checkbox"/> Computer Science	<input type="checkbox"/> Government	<input type="checkbox"/> Physical	
<input type="checkbox"/> Counselor Aides	<input type="checkbox"/> Health	<input type="checkbox"/> Education	
<input type="checkbox"/> Criminology	<input type="checkbox"/> History	<input type="checkbox"/> Physics	
<input type="checkbox"/> Economics	<input type="checkbox"/> Home Economics	<input type="checkbox"/> Psychology	
<input type="checkbox"/> Education	<input type="checkbox"/> Journalism	<input type="checkbox"/> Recreation	

Graduate Level Course Preferences* Graduate courses at the Master's degree level are being tentatively planned. If you are entering at the graduate level, please check your area of interest:

<input type="checkbox"/> Librarianship	<input type="checkbox"/> Guidance and Counseling
<input type="checkbox"/> Urban Development	<input type="checkbox"/> Other (Please specify) _____

Student Advisory Committees I am interested in serving on one of the Student Advisory Committees to be formed before the College opens.

My special interest is:

<input type="checkbox"/> Publications	<input type="checkbox"/> Information for Students	<input type="checkbox"/> Other
<input type="checkbox"/> Athletics & Sports	<input type="checkbox"/> Student Social Activities	

*Announcement of courses which actually will be offered will be made at a later date.

Send to College Admissions Office, 131 Indiana Ave. NW, Washington, D. C. 20001

11-1-67

CONTEMPORARY SOCIAL ACTION COLLECTION

of the

STATE HISTORICAL SOCIETY OF WISCONSIN

This Inventory is divided into three parts: 1) Processed Collections, 2) Unprocessed Collections and 3) Collections Being Processed. The processed collections have been organized and are ready to be used by researchers. Unprocessed collections, though not yet organized, are usually available to researchers, who should check with the Manuscripts Division regarding their accessibility. Collections now being processed will be ready in the next few months.

Restrictions vary; a researcher wishing to use a restricted collection should check with the Manuscripts Division to find out how access is granted. In some cases permission must be given by the donor, in other cases the Director of the Society must be consulted.

The list of processed collections includes a description of each collection. Many of the collections have a Summary Inventory which gives a more detailed description - these are available in the Manuscripts Reading Room. Unprocessed collections have a brief description of what is included, as do the collections being processed.

Also included in the Inventory to the Contemporary Social Action Collection is an index of organizations and their related individual processed collections.

This Inventory will be updated periodically. Any inquiries regarding the Contemporary Social Action Collection, or individual collections, should be directed to the Archives/Manuscripts Division of the State Historical Society of Wisconsin.

PROCESSED COLLECTIONS

ABRAMOVITZ, Robert - 1 box

Papers, 1964-67, concerning the New Haven, Conn. chapter of the Congress of Racial Equality, including correspondence, minutes, policy statements, and clippings, with emphasis on a better housing campaign. Inventory.

ACHESON, Meldon - 1 folder

Papers, 1965, of Meldon Acheson, a CORE organizer in Ferriday, Louisiana from June to August 1965 consisting of Acheson's letters home and local newsletters, a news release, news clippings and a petition dealing with Ferriday, Louisiana Voter registration, integration of a trade school and other facilities, police and Klan activity, and community organization.

ADICKES, Sandra - 1 folder

Papers, 1964, of Sandra Adickes, a volunteer teacher for the Council of Federated Organizations in Palmer's Crossing, Mississippi, during the summer of 1964, consisting of personal reflections, a map of Palmer's Crossing, and clippings and legal documents concerning her arrest at a department store snack bar and her subsequent suit against the store and police.

AICKIN, Mary R. - 2 folders

Papers, 1965-68, of Mary R. Aickin, consisting of her 1968 University of Washington Master of Arts thesis, "Black and White Together: Northern Volunteers and the Southern Freedom Summers," a 1965 abstract of the files of the COFO in Edwards, Mississippi, including names and backgrounds of volunteers for the 1965 Mississippi Summer Project, and a list of 350 COFO workers for the summer of 1964.

ALLAN, Russell - 1 folder

Papers, 1964, of Russell Allan, a COFO volunteer who worked on voter registration in Greenville, Mississippi in the summer of 1964, consisting of letters written by him to his family and clippings on his experiences.

Americans for Democratic Action - 409 boxes, 14 volumes, 2 packages

Papers, 1932-65, of the Americans for Democratic Action, containing correspondence, business records, clippings and printed matter organized into eight series: administrative files of ADA and of UDA (the parent group) and chapter, convention, legislative, political, public relations and campus division files. Inventory.

BAER, Douglas - 1 reel negative microfilm

Papers, 1964, of Baer, a Freedom School teacher in Hattiesburg, Mississippi for COFO's 1964 Summer Project, including letters to friends at home, local newsletters, school registration and teaching materials, and brief essays written by students in his classes.

BAKER, Ella - 1 folder

Papers, 1959-65, of Ella Baker, executive director of the Southern Christian Leadership Conference, consisting of reports, newsletters, memoranda, clippings, a summary of incidents in the Mississippi Summer Project, and other items dealing with voter registration, political organization, and legal and extra-legal reactions of southern segregationists, including frequent information on other civil rights organizations.

Processed Collections - 2

Bay Area Student Committee to Abolish the House Committee on Un-American Activities - 11 boxes

Papers, 1958-65, of the Committee, mainly active locally in educational campaigns against the House Committee on Un-American Activities, including correspondence, minutes, financial records, public relations materials and a reference file of clippings and public relations mailers from other organizations. Inventory. Restricted.

BELFRAGE, Cedric - 256 pages

Typed final draft of THE MAN AT THE DOOR WITH A GUN, a 1963 book concerning Latin America and its relationship with the United States and Britain, written by Belfrage, one-time editor of the National Guardian who was deported by the United States in 1955 on the grounds of membership in the Communist Party.

BLOOM, Rabbi Jacob - 10 pages

Report, 1963, by Bloom, describing his participation in the rabbis' march to Birmingham in the spring of 1963, how the experience changed him, and how it affected his congregation.

BOND, Julian - 1 reel

Tape recorded interview, July 6, 1967, with Bond, Negro civil rights leader by Gwen Gillon, field worker for the State Historical Society of Wisconsin, in which he discusses SNCC, his other civil rights activities, and his election to the Georgia legislature. Restricted.

BOUTELLE, Paul - 1 reel

Interview with Paul Boutelle, 1968 Socialist Workers Party vice presidential candidate, conducted by Robert Wilkinson, candidate for governor of Wisconsin, recorded ca. March 26, 1968, for radio broadcast, including discussion of the 1968 Party program, socialism and its relationship to black nationalism, black power and the war in Vietnam.

BOWIE, Harry J. - 2 boxes, including 1 volume; 1 file box; 2 packages

Papers, 1964-67, of Harry J. Bowie, Episcopal minister in charge of the National Council of Churches Delta Ministry in McComb, Mississippi, during the civil rights drive in behalf of Negroes, including materials relating to voter registration, arrests and bail, the Head Start program, Freedom Schools, school desegregation, and the Poor People's Corporation. Inventory.

BRADEN, Anne and Carl - 93 boxes; 35 tapes, 1 disc recording; 3 reels of microfilm. Many unprocessed additions.

Papers, 1928-67, of Anne and Carl Braden, journalist advocates of civil rights and civil liberties, including correspondence, memoranda, press releases, newsletters and stories, legal documents, minutes of meetings, reports, articles and speeches, clippings and other manuscripts covering their careers and much printed source material used by them. Inventory. Restricted.

Processed Collections - 3

BROSI, George - 1 folder

Papers, 1962-70, of Brosi, a social activist; including correspondence and activity reports concerning his work as a peace organizer for the American Friends Service Committee, as a campus organizer for the Council of the Southern Mountains, and as a founder of Vocations for Social Change, aimed at involving people in full-time employment with left-wing groups.

California Labor School - 1 box

Papers, 1930-ca. 1953 of California Labor School, in San Francisco, California, consisting mainly of scripts for short plays, poetry, monologues, songs, and song parodies concerned with organized labor, communism, and anti-war themes; including a parody of the play South Pacific. Inventory.

Cambridge [Maryland] Non-Violent Action Committee - 73 pages

Report, 1963, of the Committee dealing with social change and the civil rights movement within the Negro community of Cambridge, Maryland.

CHARNEY, George - 2 boxes

Two drafts of A LONG JOURNEY, an autobiography, 1968 by Charney, a leader of the Communist Party of the United States of America from 1933-58. (Subject to literary restrictions of publisher)

Chicago Committee to End the War in Vietnam - 1 box

Papers, 1965, of a group involved in picketing, distributing literature against the War in Vietnam; including correspondence, leaflets, mailing lists, clippings, and songs. Inventory.

Child Development Group of Mississippi - 15 negative microfilm; 10 tape recordings.

Papers, 1965-67 of the Child Development Group of Mississippi, a community action program aimed chiefly at developing Head Start schools and education for younger Negro children, including the files of various departments such as: central office, field operations, teacher development program and community division and interviews with personnel and pupils. Inventory. Partially restricted.

Civil Rights Defense Committee - 2 boxes, including 2 volumes

Papers, 1941-58, of the Civil Rights Defense Committee, organized to defend the twenty eight socialist members of the Minnesota Teamsters Local #544 charged with seditious conspiracy, including materials concerning their defense, that of Kelly Postal against embezzlement charges, and that of Carl Skoglund against deportation. Inventory.

Committee for Miners - 2 boxes

Papers, 1963-65, of Committee for Miners, New York City, organized to give financial aid and social assistance to unemployed miners in eastern Kentucky, including papers of Peter Wiley a committee field worker in Hazard Kentucky, and papers relating to the miners' own organization, the Appalachian Committee for Full Employment. Inventory.

Committee to Combat Racial Injustice - 4 boxes, including 2 volumes

Papers, 1957-65 of the Committee, a group of six men active in racial and civil rights legal cases, including correspondence, financial records, and subject files with information on Carl Braden, Conrad Lynn, Roy Wilkins, Martin Luther King, Robert F. Williams, and George L. Weissman. Inventory.

Congress of Racial Equality - 104 boxes, including 1 volume; 1 tape recording

Papers, 1941-67 of CORE, including files of the director, 1945-65; assistant director, 1942-64; executive secretary 1941-62; National Action Council 1945-65; and departments and related organizations, 1946-67. Inventory. Restricted.

CORE - Berkeley, California Chapter - 1 box - Inventory

CORE - Boston, Massachusetts Chapter - 1 box - Inventory

CORE - Homer, Louisiana Chapter - 1 box - Inventory

CORE - Milwaukee, Wisconsin Chapter - 1 box - Inventory

CORE - Monroe, Louisiana Chapter - 6 boxes - Inventory

CORE - Oakland, California Chapter - 1 box - Inventory

CORE - Southern Regional Office - 17 boxes - Inventory

CORE - Western Regional Office - 7 boxes - Inventory

Contemporary Social Action Files

Ephemeral materials, e.g. leaflets, handouts, circular letters, mimeographed items, and near print generated by socialist, communist, labor, liberal, black nationalist, civil rights, anti-Vietnam War, peace and other contemporary social action groups; including some right-wing organizations, and much material collected on the campus of the University of Wisconsin. Inventory.

Council for United Civil Rights Leadership - 1 disc recording

"We Shall Overcome" a disc recording of portions of the civil rights march on Washington, August 28, 1963, produced by the Council.

CURRIER, Charles G. L. - 1 box

Papers, 1963-64, of Currier, employee of CORE's Community Relations Department in New York City, including correspondence, reports, clippings, and miscellaneous materials relating to various CORE projects, especially in Florida, Mississippi and Louisiana. Inventory.

CURRY, Connie - 1 folder

Papers, 1960, of Connie Curry who was associated with the Southern Project of the U. S. National Student Association and apparently involved in disseminating information on civil rights activities, consisting of letters, reports, handouts, and resolutions of various groups concerned with civil rights.

DAVIS, Ronald Guy - 3 boxes

Papers, 1953-69, of Davis, founder and director of the San Francisco Mime Troupe who with the troupe was responsible for the founding of the Artist Liberation Front (ALF) and the Radical Booking Agency; including correspondence, photographs, clippings, reviews and financial, publicity, legal and production materials relating to Davis' career, and the organizations with which he was affiliated. Inventory.

EISENSCHER, Michael E. - 4 boxes

Papers, 1961-69, of a radical organizer, including correspondence and printed and near-print materials on the W.E.B. DuBois Club, the Milwaukee Organizing Committee, Vietnam War protests, the Wisconsin State Employees Association, and a variety of left-wing activities and organizations. Inventory.
Restricted.

Processed Collections - 5

FATOULLAH, Ellice - 1 tape

Interview, recorded ca. January, 1967, with Ellice Fatoullah, a University of Wisconsin student, concerning her civil rights work teaching in Prince Edward County, Virginia, during the summer of 1965.

Fitchburg (Town of) McCarthy Committee - 1 folder

Papers, 1968, of the Eugene McCarthy for President Committee of Fitchburg, Dane County, Wisconsin consisting of campaign literature, letters to public officials and other information on activities.

Foundation for Freedom and Democracy in Community Life - 20 boxes; 2 tapes

Papers, 1951-66, of the United Citizens' Committee for Freedom of Residence in Illinois, especially after 1960 when it was formed as an instrument to help achieve fair housing including administrative files of its executive secretary, Donald S. Frey, and correspondence with and publications of related organizations. Inventory.

Free Speech Movement - 3 boxes

Papers relating to the 1964-65 controversy over allowing advocacy of political and social action by students on campus, the resulting sit-ins and mass arrests and subsequent reactions by administration, faculty and students. Inventory.

GALAMISON, Milton A. - 2 negative microfilm reels

Papers, 1954-64, of Reverend Galamison, civil rights leader and pastor of Siloam Presbyterian Church, Brooklyn, New York, relating to desegregation, New York schools and problems in the Bedford-Stuyvesant district in Brooklyn. Inventory.

GARTNER, Alan - 1 box

Papers, 1961-65, of Gartner, a member of the National Action Council of CORE, including mainly mimeographed reports, minutes and memoranda supplied him for his information and concerning a wide range of CORE activities. Inventory.

GERMER, Adolph - 26 boxes

Papers, 1898-1958 of Adolph Germer, labor leader, including correspondence, 1901-58, with Socialist, labor and political leaders; diaries 1931-58, and other materials relating to socialist and labor movements, particularly the United Mine Workers of America and the Congress of Industrial Organizations. Inventory.

GLADSTONE, Susan - 1 folder; 1 tape; 1 reel microfilm

Papers, 1964-65 of Sue Gladstone, concerning her work as a Freedom School teacher and voter registration worker in Clarksdale, Mississippi, in the summer and fall of 1964, consisting of copies of COFO literature, correspondence with her parents and others, including Senator Thomas Dodd, compositions by Freedom School students, and a recorded interview concerning her background, experiences, reactions and return to the north.

GOODLETT, Carlton B. - 3 negative microfilm reels

Papers of Carlton Goodlett, San Francisco doctor and newspaper publisher, concerning the civil rights movement in San Francisco and the nation, and the American and international peace movement. Inventory.

GREGORY, Dick - 2 tapes

Two tape recordings made in 1963 by Gregory, Negro comedian and militant civil rights activist, with host Joseph R. Baylor for the radio program Issue and Inquiry, in which he discusses racial problems in the United States.

HALSTEAD, Fred - 1 tape

Tape recorded interview made in Madison, Wisconsin, October 8, 1968, with Halstead, Socialist Workers Party candidate for United States President, discussing the anti-Vietnam War movement in the United States. Restricted.

HAMER, Fannie Lou - 1 folder

Papers, 1964-67 of Fannie Lou Hamer, founder of the Mississippi Freedom Democratic Party, including copies of scattered correspondence and news releases, mainly concerning the National Committee for Free Elections in Sunflower and Mrs. Hamer's other civil rights activities. Restricted.

HARD, Sandra Dungan - 1 folder

Papers, 1964-66, of Sandra Dungan Hard, a Freedom School teacher in Holly Springs, Mississippi for SNCC during the 1964 Mississippi Summer Project, including letters from her to her family in California and from other workers to her after her departure, and a variety of instructional and informational materials received from SNCC. Restricted.

HAYDEN, Father William G. - 1 folder

Papers, 1966, of Father Hayden concerning his involvement in attempts by the National Association of Colored People and others to racially integrate a privately-owned swimming pool in Lawton, Oklahoma; including copies of clippings, correspondence and other materials.

HEADRICK, Rita - 1 folder

Papers, 1964 of Rita Headrick, a Freedom School teacher in Moss Point, Mississippi, consisting of a court petition dealing with the right to peaceful assembly in Puscagoula and compositions of students comparing their high school to the local white school.

HEXTER, Christopher - 1 reel. Unprocessed additions.

Tape recorded interview with Chris Hexter, a University of Wisconsin student, regarding his experiences and reactions as a Freedom School teacher in Ruleville and Indianola, Mississippi, during the summer of 1964.

HOLLANDER, Edward - 1 reel

Recordings made by Edward Hollander, CORE, of memorial service for James Cheney, Nashoba County, Mississippi, August 16, 1964; and an interview with Reverend Joseph Carter, Laurel Hill, Louisiana, the first Negro to register to vote in his parish, registered on October 17, 1963.

Processed Collections - 7

Independent American - 2 pamphlets and 1 letter

Filed in the Contemporary Social Action Collection files, these give the other side of the civil rights movement.

IRWIN, Dilia - 1 folder

Papers, 1964-66, of Dilia Irwin, editor of the Vicksburg [Mississippi] Citizen's Appeal, an indigenous Negro community newspaper which grew out of the 1964 Mississippi Freedom Summer Project, including copies of correspondence, minutes of the board of directors of the Hill City Publishing Corporation, and clippings.

JACOBSON, Thomas - 1 film

Papers, 1963-65, concerning attorney Thomas M. Jacobson's defense of members of the Milwaukee CORE who were arrested at a sit-in demanding the resignation of a Milwaukee public official for prejudicial statements concerning Negroes. Inventory. Restricted.

Jefferson School of Social Science, New York, New York - 2 boxes

Papers, 1942-56, of the Jefferson School of Social Science, a Marxist adult education center, including correspondence, annual reports, minutes of executive committee meetings and materials concerning the 1953-54 suit by the Justice Department seeking to require the school's registration as a communist front organization. Inventory.

JOHNSON, Manning - 1 disc

Farewell address of Manning Johnson, a Negro communist with an introductory commentary by Vick Knight.

KAHN, Kathleen - 13 pages

Papers, 1965-66, of Kathleen Kahn, a former civil rights worker, consisting of letters to her from residents of Greenwood, Mississippi, generally regarding conditions in the town and local civil rights activities. Restricted.

KING, Martin Luther - 14 tapes

Recordings and speeches by and interviews with Dr. King, and other leaders in the Negro civil rights movement and the Southern Christian Leadership Conference, 1955-63, including a recording of a Ku Klux Klan meeting near Birmingham, Alabama, May 11, 1963. Inventory. Partially restricted.

KORTY, Douglas - 1 reel

Tape recorded interview with Douglas Korty, a University of Wisconsin student, discussing his beliefs, reactions and experiences in Haywood County, Tennessee, May-August 1965, as a civil rights worker involved in voter registration, desegregation of public activities, and labor union organization.

Kutcher Civil Rights Committee - 6 boxes

Papers, 1948-58 of the Kutcher Civil Rights Committee which was formed to fight the dismissal of James Kutcher from his government job for his membership in the Socialist Workers Party, including financial, legal and publicity materials, correspondence and clippings. Inventory.

Processed Collections - 8

LAPSANSKY, Philip - 1 tape

"A Visit to Sunflower County, Mississippi" home of Senator James Eastland, a recording made by Philip Lapsansky, for the Freedom Information Service, Edwards, Mississippi, August 1966.

Lawndale Community Conference - 14 tapes and transcripts

Tape recordings and transcriptions of the sessions and related events of the Lawndale Community Conference, June 6-7, 1967, a conference of urban planning experts, and black residents of the Chicago community, which met to combat plans for construction of upper middle income housing in the area.

LESSER, Michael - 1 tape

Interview, recorded ca. January 1967, with Michael Lesser, concerning his civil rights work in Williamsburg County, South Carolina, during the summer of 1965.

LEVENSTEIN, Charles - 2 boxes

Papers, 1963-67, of Charles Levenstein, student movement leader, labor union organizer, and social activist in the Boston-Cambridge area; including correspondence, writings, handbills, leaflets, press releases, questionnaires, speeches, other printed matter and clippings relating to the student movement, new left politics and civil rights. Inventory.

MANGRUM, Fred - 25 pages

Papers, 1966? of Mangrum, civil rights worker who conducted teachers' workshops in Balzoni, Philadelphia, Greenwood and Edwards, Mississippi; consisting of his evaluation of those workshops for the Friends of the Children of Mississippi.

McELDOWNEY, Carol - 1 folder

Papers, 1964-68 of Carol McEldowney, a member of an SDS community organizing project in Cleveland, Ohio, and an organizer with the Welfare Grievance Committee there; consisting mainly of near-print materials such as leaflets, newsletters, and brochures relating to these activities.

McNULTY, Blake - 10 reels and transcriptions.

Tape recorded interviews with leaders in the Negro civil rights movement, especially in the NAACP, in South Carolina, including gospel songs and a radio script, made by Blake McNulty, in 1966. Inventory.

MONTGOMERY, Lucille - 3 microfilm reels; 8 tapes; 1 folder

Papers, 1963-66, of Lucy Montgomery, patron of the civil rights movement, including correspondence, notes, project plans, reports, circulars, news releases and recordings, especially relating to the Highlander Education and Research Center, SNCC and Mississippi. Inventory. Restricted.

New England Committee for Non-Violent Action - 1 box

Leaflets, pamphlets, and mimeographed letters to supporters, 1958-68, of the New England Committee for Non-Violent Action, concerning their activities against Polaris submarines, nuclear testing, the war in Vietnam and the draft. Inventory.

Processed Collections - 9

OAK, Liston - 1 box

Papers, 1937-70, of Liston Oak, left-wing editor for The New Leader and Voice of America, including correspondence, articles denouncing communism, an address book and biographical materials. Inventory.

PARK, Robert W. - 1 folder

Papers, 1964-66, collected by Robert Park, a 1965 summer volunteer for the Mississippi Freedom Democratic Party, pertaining to police actions after arrests in Jackson, Mississippi, fair employment practices, election challenges and other topics.

PETERSON, Donald O. - 1 reel film

Papers of Peterson, a leader of Wisconsin's 1968 McCarthy for President Committee and controversial delegate to that year's Democratic convention, including preconvention campaign and administrative materials and post-convention letters applauding and criticizing Peterson's activities. Inventory.

PITTS, Lucia M. - 1 box

Manuscript for a proposed book, THE SMALL FIRE AND HOW IT GREW, by Lucia Pitts, dealing with her career in government service in Washington, D. C. and the role of the Negro in the New Deal; with letters of appraisal by Society staff, 1965.

RAMSAY, Claude - 1 folder

Speeches, 1965-67, by and an article concerning Claude Ramsay, president of the Mississippi American Federation of Labor-Congress of Industrial Organizations, relating to civil rights and labor problems in Mississippi.

REICHERT, William O. - 1 folder

Papers, 1958-60, of William Reichert, political science professor, concerning the organization and activities of the Lexington, Kentucky Chapter of CORE, including information on lunch counter sit-ins.

RICH, Faith - 1 box

Papers, 1957-66, concerning the Chicago, Illinois Chapter of CORE, including minutes, reports, correspondence, and files on employment, housing and education. Inventory.

RICHARDS, Richard - 10 pages

Letter, March 7, 1968, from Richard Richards, vice-president of the Detroit, Michigan YMCA, in which he discusses the New Detroit Committee, a group of citizens charged with providing leadership in overcoming the problems evidenced in Detroit's 1967 summer riots.

ROBINSON, JoAnn Ooiman - 2 boxes; 1 tape recording

Papers 1960-66, of JoAnn Robinson, a participant in the Mississippi Summer Project of 1964, who stayed in the South for another year. The papers reflect her activities in Pleasant Green, Mississippi as a Freedom School teacher, in the Agricultural Stabilization and Conservation Service, in the Freedom Democratic Party's Challenge of Mississippi's 1964 congressional elections, and as a neighborhood organizer for SNCC in San Francisco. Included are diaries, correspondence, minutes and reports, Freedom School materials, leaflets, clippings, and a tape recording. Inventory. Partially Restricted.

Processed Collections - 10

ROMAINE, Anne - 3 reels; 13 transcriptions

Papers, 1966-67, of Anne Romaine, consisting of tape recordings and transcriptions of interviews she conducted with several persons active in the civil rights movement, particularly in the Mississippi Freedom Democratic Party, including Ella Baker, Annie Devine, Ivanhoe Donaldson, Lawrence Guyot, Fannie Lou Hamer, Robert Kastenmeier, Ed King, Sandy Leigh, Al Lowenstein, Robert Moses, Joseph Rauh, Mendy Samstein, and Walter Tillow. Restricted.

SARTORI, David - 1 folder

Correspondence and ephemera, 1963-65 gathered together by Sartori, a political science student at the University of Wisconsin River Falls who was interested in right and left wing materials, including letters from George Lincoln Rockwell, Radio Havana, and Radio Peking; and invitations, greetings and acknowledgments.

SCHIRM, Ernest - 5 boxes

Papers, 1918-69, of Ernest Schirm, Milwaukee, Wisconsin, an articulate carpenter who maintained a lively correspondence with his congressmen and local press and kept diaries concerning veterans' affairs, U. S. foreign policy, government spending, communism, civil rights, the black revolution, and art. Inventory.

SCHULZE, Gene - 1 folder

Correspondence, 1963-64, concerning the New Haven, Connecticut Chapter of CORE and a power struggle within the Chapter.

SINCLAIR, Hamesh -- Xerox copy of 61 typewritten pages
See the Committee for Miners (New York, New York)

SMITH, L. C. - 1 folder

An account written July 20, 1967, by L. C. Smith, a Negro resident of Carroll County, Mississippi describing local accomplishments of the Mississippi Freedom Democratic Party in the areas of voter registration and school integration.

Socialist Party - 9 boxes

Papers, 1909-65, of the Socialist Party in America, including circular letters and releases 1909-65; minutes of various committees and the New York branch of the Party; convention and constitution materials 1936-58; miscellaneous publications; and proceedings of the National Convention at Chicago, Illinois, August 30-September 5, 1919. Inventory.

Southern Student Organizing Committee - 7 pages

Resolution to dissolve the SSOC, an organization of white southerners concerned with the civil rights, student power, and anti-war movements, adopted June 8, 1969, containing information on the activities of the committee and on charges that it was a failure and an anachronism. Donor unknown.

STONE, Willis E. - 1 disc

"Hayfoot, Strawfoot!" by Stone, writer, publisher of Freedom Magazine and author of the proposed Liberty Amendment to the Constitution of the United States - a measure designed to compel compliance with the Constitution's limitations of governmental power.

Processed Collections - 11

Student Non-Violent Coordinating Committee - 1 folder

Three documents concerning SNCC. a letter, December 21, 1964 from Mike Miller, SNCC Bay area representative, to SNCC staff discussing policies on civil rights action in the North; reports, May, 1965, by the staff of the Chicago SNCC Freedom Center; and minutes April 12-14, 1965, of a SNCC executive committee meeting on personnel, policies, and programs.
Restricted.

Student Peace Center, Madison, Wisconsin - 1 box

Papers, 1955-62, of a University of Wisconsin student group involved in discussion and protest against the draft and against compulsory military training for students. Inventory.

Studies on the Left - 25 boxes

Papers, 1959-67, of Studies on the Left, a journal established 'to encourage socialist analyses in the social and natural sciences, literature and the arts,' including correspondence, financial materials, manuscripts, galleys and proofs. Inventory.

TANZMAN, Harriet - 1 folder

Five documents, 1966-67, concerning civil rights activities in Mississippi, preserved by Harriet Tanzman; including a report on a political workshop in Sunflower and information on a community center, elections and the Head Start program in Holmes County.

THOMAS, Patrick - 1 folder

Papers, 1964, July, of Patrick Thomas, a volunteer political worker for COFO in Vicksburg, Mississippi during the 1964 Summer Project, consisting of copies of letters to his family in California. Mainly concerning his work and conditions in Mississippi. Restricted.

Vanguard League, Inc. - 1 box

Papers, 1941-50, 1964, of Columbus Ohio Vanguard League, Inc., a Negro organization of the 1940's devoted to the elimination of discrimination, including correspondence of the League, 1941-49, 1964; constitution; minutes 1941-50; minutes of various committees; affidavits; publications of the League, and miscellaneous related items. Inventory.

WALBORN, Judy - 4 pages

Letter, written in late 1964 or early 1965, to Mary Berliner by Judy Walborn, a SNCC worker, dealing with her plans to go to Pine Bluff, Arkansas, to do community organizing in the Negro community, the methods she plans to use, and the new SNCC policy of "Let the people do."

WALLACE, George C. - 1 letter - 2 pages

Letter, April 9, 1964, from Wallace, Governor of Alabama, defending the southern way of life, and denying the existence of any problems concerning segregation in the south.

UNPROCESSED COLLECTIONS

ADAMS, Frank T.	Frederick Douglass Fellow in Journalism; Southern Student Organizing Committee; and miscellaneous	Partially Restricted
ALLEN, Pam	Poem by Beulah Richardson; pamphlet "Free Space" by donor; course outline for course taught by donor.	
ALTBACH, Philip	Manuscript of ACADEMIC SUPERMARKETS	
AMORY, James	1 tape - West Tennessee Project	
Another Mother For Peace	1 folder; 1 envelope	
Arkansas SNCC Project	5 gray file boxes - organized - office files	Restricted
BAILEY, Robert	1 folder - Mississippi, Tennessee 1964-65; 1 letter re 1964 activities	
BAMBIGER, Michael	1 folder - Springfield, Mass. CORE Project, 1965	
BARBEE, Lloyd	Press releases and papers of Wisconsin legislator	Restricted
BATES, Daisy	20 cartons, 1 package re Little Rock Arkansas School Integration, 1957. (Some on microfilm)	
BELL, Murphy	4 microfilm reels - Baton Rouge, Louisiana Civil Rights cases for CORE, SNCC, NAACP	
BERMAN, Louise	1 archive box, 1 tube, 6 cartons of papers - her papers	On Deposit
BERNARD, Jacqueline	1 half size gray box - Clay City, Mississippi civil rights	Restricted
BILLINGS, Peggy	1 carton - Methodist Church Civil Rights activities - some printed	

Unprocessed Collections - 2

BINGHAM, Steven	2 folders, 1 letter re his activities as civil rights worker in Mississippi during the summer of 1964	
BLACK, Edith	1 folder re COFO & SNCC activities in Mississippi, 1964	
BLAIR, Fred B.	1 package of poetry, 1 box of civil rights and political materials, 1 folder of miscellaneous materials and 2 photos (1 of himself and 1 of Elizabeth Gurley Flynn)	
BLEIDORN, Father Eugene	1 archives box re Milwaukee, Wisconsin civil rights activities	Restricted
Bogalusa, Louisiana Freedom School	1 gray box re CORE and Voters League dating from spring of 1965	
BOOTH, Paul	3 gray boxes re New Conference for New Politics, SDS and miscellaneous; 1 carton of SDS materials	
BRIANS, Donna	1 packet of material re Women's Liberation Front in Pullman, Washington	
BROWN, Bambi	1 folder re Mississippi	
BROWN, Candy	1 folder, McComb County, Miss., SNCC 1964	
Carroll County Freedom Democratic Party	Newsletters in 1 folder	
CHERRY, David	1 gray box; 2 folders; 10 tapes; 1 envelope re UW	Restricted
Chicago Area Draft Resisters	1 envelope	
Citizens for Peace & Disarmament	1 envelope	
CLARK, Bradley	1 folder re civil rights	
COATSWORTH, John & Pat	1 package re Jackson, Miss.	

Unprocessed Collections - 3

COOK, Robert	1 folder re Connecticut, 1966; 1 folder re civil rights	
DARKEN, Joann	1 folder -- Louisiana CORE diary	
DAVIS, Michael	1 folder re Mississippi, 1965; 1 folder, 5 envelopes re student power at Michigan, and miscellaneous re SDS and Radical Education Project	
DAVIS, Ruby	2 folders -- Ruleville, Mississippi Head Start program	
Delta Ministry of the National Council of Churches	1 black box - general printed dating to 1964 - See BOWIE, Harry J. in processed collections	
DeMUTH, Jerry	3 folders, 2 envelopes, 3 boxes re miscellaneous civil rights including SNCC, MFDP, Delta Ministry	
DIAMOND, Dion	1 folder -- Louisiana	Restricted
East Feliciana Parish, La., CORE	1 carton - 1963-66 covers East Feliciana Parish, West Feliciana Parish, St. Helena Parish and Pointe Coupee Parish	
Episcopal Church -- Christian Social Relations Executive Council	1 carton -- printed in part	
EWEN, Stuart	1 package of correspondence of Robert U. Jones of Corinth, Miss.; 2 packages and 1 folder re SNCC	
FARMER, C. Michael	typescript: Peace Corps, Nepal 1963-65; and handwritten diary 1/18-4/9/65	
FEINGLASS, Robert	1 folder re civil rights	
Fellowship of Reconciliation	1 envelope	
Ferriday, La., Freedom House	1 carton - CORE office	

Unprocessed Collections -- 4

FINLATOR, Reverend W. W.	1 carton and 2 packages re New Jersey and North Carolina	
FISCHER, Nicholas	2 folders re civil rights in Mississippi	
FONER, Laura	1 folder - Gould, Arkansas SNCC	
FONER, Moe	2 boxes of files re Labor Leader- ship for Peace	
FORBES, Sydney	1 folder - Madison, Wis., 1962	
Freedom Democratic Party, Lauderdale Co., Miss.	3 microfilm - office files	Restricted
Freedom Democratic Party, Sunflower Co., Miss.	1 micro - papers of Joseph Harris	Restricted
Freedom Information Service	3 films re Edwards, Miss.; 1 folder, 1 box	
FRIESEN, Jack	1 half size gray box - Miss.	Restricted
FULLER, Erskine, Jr.	1 folder - Alabama 1966	
FUTORIAN, Aviva	1 folder - Benton Co., Miss. SNCC 1964-65	
GABRINER, Robert	1 folder - Fayette Co., Tenn. civil rights; 1 package; 2 tapes	
GEARHART, Sally	1 packet re Lesbianism and Women's Liberation	
GEIGER, H. Jack	1 notebook - Mound Bayou, Miss. Health Center	Restricted
GITLIN, Todd and Nanci	2 gray boxes re 1962 March on Washington, D. C.	
GOULD, Richard	1 folder - Vicksburg, Miss., 1965 and Selma, Alabama	
Gould (Arkansas) Citizens for Progress	1 gray box of files, 1965-66	Restricted
GOZZI, Raymond, Jr.	1 folder - Olive Branch, Miss. 1965	

Unprocessed Collections - 5

GRISWOLD, Kenneth P.	1 folder - Mississippi 1964	
GRONEMEIER, Dale	1 folder - Ruleville, Mississippi SNCC 1964	
GROSSMAN, Michael	1 black box - civil rights	Restricted
HALPERN, Dr. Florence	1 folder - <u>Strike City; The Intellectual Development and Functioning of Southern Black Rural Children, Aged One Week to Thirty Six Months</u>	
HAMWEE, Lillian	1 packet re civil rights	
HANDKE, Jan L.	1 folder - Vicksburg, Mississippi 1964	
HANSEN, William W.	1 gray box - Little Rock, Arkansas SNCC Project	
HASPEL, David	1 folder - Mississippi 1965	
HASS, Paul	1 envelope - Madison Citizens for a Vote on Vietnam	
HAYNIE, Charles	1 gray box including 3 tapes - Fayette County, Tennessee	
HEINZE, Frederick	3 folders re COFO, Jackson, Miss.	Restricted
HELLER, David	Materials re Madison Tenant Union	
HENDERSON, Dr. Edwin	1 folder - Fairfax Co., Va. NAACP	
HENDERSON, Marjorie	1 folder - Hattiesburg, Mississippi civil rights	
Highlander Research and Education Center	40 cartons - Archives of Highlander (Scheduled for processing during the summer of 1972)	
HILLEGAS, Jan	1 folder - COFO 1964 Mississippi Freedom Schools	Partially Restricted
HODES, Jane	1 gray box - MFDP 1964-65	
Houston Committee to End the War in Vietnam	1 box	
HOUSTON, James M.	1 black box - Vicksburg, Miss.	Restricted

Unprocessed Collections - 6

ICKES, Harold	1 folder - Mississippi	
INGRAM, Minnie Bell	1 black box - Strike City	
JENKINS, Gayle	1 folder - Bogalusa, Louisiana, 1965	
JOIN Community Union - see SDS which is being processed - 15 c., 1 box		
JONES, Florence	1 folder - Mississippi 1964	
JONES, James W.	1 black box -Greenwood, Mississippi	
Jonesboro, Louisiana Freedom House	1 carton - CORE	
KAILIN, Laurel	1 folder - Southern Mountain Project	
KAPLOW, Alicia	3 folders - University of Wisconsin Friends of SNCC, 2 cartons - Draft Resistance Union; miscellaneous printed materials	
KATES, Mrs. Jean	1 folder - Mississippi	
KAUFMAN, Walter	1 box - Nashoba County, Miss.	
KING, Slater	1 black box - Albany, Georgia Movement 1961-64	Restricted
KLARE, Michael T.	2 boxes	
KOGER, Harry	1 folder - newsletters, etc.	
KREINBERG, Louis	1 folder - Chicago	
LACEY, Fred	1 gray box - New Orleans CORE 1965-66	
LAKE, Ellen	1 folder - Gulfport, Mississippi	
LANDFIELD, Martin	1 folder - Mississippi Freedom Schools	
LANE, Mary	1 black box including tape - Greenwood, Mississippi	Restricted

Unprocessed Collections - 7

LAPSANSKY, Philip	1 folder - Mississippi Freedom Information Service, 1965	
LARSEN, Lee (Bankhead)	1 envelope, 4 folders and 1 booklet all re Northern Bolivar County Farm Co-op; 1 gray box - SNCC - Bolivar County, Mississippi	
Leadership Conference on Civil Rights	1 gray box - set of conference memos since July, 1963, pamphlets	
LEHMAN, Robert S.	1 folder - Jackson, Mississippi 1965 March	
LOWEN, Mrs. Marilyn	1 black box - Mississippi	
LYNCH, Timothy J.	1 folder - Mississippi 1964	
LYND, Staughton	1 folder - McComb, Mississippi	
McCarthy for President, Madison, Wisconsin	4 boxes, 1 package	
McNEIL, Scott	1 carton - Montgomery Improvement Association, SNCC; 2 tapes	Partially Restricted
Madison, Wisconsin ACLU	2 cartons, 1 manuscript	
Madison Citizens for A Vote on Vietnam	2 boxes, 1 folder	
Madison Wisconsin Committee to End the War in Vietnam	3 half size gray boxes, 3 cartons	
Madison County, Mississippi	5 microfilm reels - CORE, Voters League	Restricted
MAEDKE, Jan	1 folder - Carroll County, Mississippi FDP	
MARTIN, Joseph	1 black box - McComb, Mississippi	Restricted
MARTIN, Mrs. Shirley	1 folder - Strike City, Miss.	
MAUPIN, Joyce	1 packet of articles by donor	
MAXWELL, Bruce	1 folder - Mississippi	Restricted
MAYS, James	4 cartons - Jackson, Mississippi	

Unprocessed Collections - 8

MILLER, Charles	1 folder - Mississippi	
MILLER, J. Wesley	Madison People's Poster and Propaganda Collection	
Milwaukee Citizens for Equal Opportunity	1 box including microfilm	
MINDLIN, Albert	2 cartons, 1 package - Washington, D. C. CORE	
MINERT, Collin	1 folder - Arkansas and Mississippi	
Mississippi Council on Human Relations	1 gray box - Jackson, Miss.	
Mississippi Freedom Democratic Party	1 black box - Jackson, Miss., 1 film strip	
MOORE, Amzie	20 cartons of materials - re his activities	
MOORE, James	1 folder - Greenwood, Mississippi SNCC	
MOREHEUSER, Marilyn	1 micro package - Milwaukee Wisconsin	Restricted
MOREY, R. Hunter	5 cartons - Jackson, Mississippi CORE, COFO, CDGM	
MURRAY, Harold B.	3 filing cases of 3x5 cards--2 drawers of bibliography of Negro authors, and 2 cases of reference notes; 9 cartons--books, clippings and completed entries for proposed guide to Negroes in the world by David Murray	
NAJHA, Ahmed Abboud	1 folder - Ferriday, Louisiana CORE	
NAACP Legal Defense and Educational Fund	1 folder, Docket Report, September, 1966	
National Committee to Abolish the HUAC	1 carton	

Unprocessed Collections - 9

National Conference for New Politics, Chicago, 1967	1 box	Restricted
National Coordinating Committee to End the War in Vietnam	14 cartons	Restricted
National Peace Action Coalition	1 package of printed mats re NPAC's National Anti-War Convention July 2,3,4, 1971 at Hunter College, miscellaneous materials re 4/24/71 March on Washington	
<u>National Guardian</u>	22 cartons, 1 box	
National Student Association	194 cartons, 55 transfiles	
New Mobilization Committee to End the War in Vietnam, New York, New York	1 carton, 1 gray box	
New Orleans, La., Betsy Flood Victims	1 folder	
NICOLAUS, Mr. and Mrs. Martin	2 folders - Jackson, Miss. SNCC 1964	Restricted
North Bolivar County, Miss. Farm Coop	1 box, 1 package (including 7 tapes)	Restricted
New York, New York Fifth Avenue Vietnam Peace Parade Committee	2 cartons, 1 envelope	
O'BRIEN, James	45 tapes; 2 packets re 1969 SDS Convention and New University Conference Convention of June, 1970; 5 folders re Radical Education Project (1966-67), Madison SDS (1966-68), Madison Free University and UCA; 1 box re various radical education projects	Restricted
ODERMANN, Alvin	1 folder - Mississippi SNCC	Restricted
Panola County, Mississippi COFO and MFDP	1 carton - 1964-65	Restricted
Parents Mississippi Freedom Association of California	1 package - minutes, letters	Restricted

Unprocessed Collections - 10

PEACE, William	1 folder re 1921 race riot	
PETERSON, Brian	1 folder - McComb Co., Miss. - 1964; 1 folder - SSOC 1965; 1 carton - general printed	
Pine Bluff, Arkansas Movement via Vincent O'Connor	1 gray box; 1 black box	Restricted
POLSLEY, Jane	1 folder - civil rights, anti-war	
POMERANCE, Sally	1 carton - SNCC <u>Freedom Summer</u> manuscript and 1 folder	Restricted
Poverty Rights Action Center	1 black box - general	
PRAETZ, Peter	1 folder - Mississippi 1964 Freedom Schools	
Presbyterian Church - Board of Christian Education	1 folder - general re civil rights resolutions	
Protestant Council of the City of New York	1 black box - general printed	
Public Enterprise Committee	1 folder	
Public Radio Organization	1 carton - Freedom Radio Organiza- tion, Tougaloo, Mississippi	
Quitman County, Miss. MFDP and MFLU	1 gray box - 1965-66	
<u>Radical America</u> (via Paul Buhle)	2 boxes - correspondence, unpublished mss., work sheets	Restricted
RUFF, Susan	3 folders - Mississippi	
Saint Francis County, Arkansas Achievement Committee	4 gray boxes - June 1965-66	Restricted
SAMPLES, Reverend Cadmus	2 blue archive boxes - Atlanta, Georgia	Restricted
Seattle Radical Women	1 envelope	
SEESE, Linda	1 package, Indianola, Miss.	Restricted
SHAW, Joyce	1 black box - Boston, Mass.	

Unprocessed Collections - 11

SHEAROD, Charles	1 film, Georgia	Restricted
SHIRAH, Sam	1 black box - Hazard Kentucky, 1961-64	Restricted
SHORT, Mary	1 folder - Shaw, Mississippi 1964-65	
SILVER, Jane	1 folder - General, 1965	
SMITH, Benjamin	3 cartons - New Orleans, La.	
Southern Conference Educational Fund	Unprocessed additions	Restricted
<u>Southern Courier</u> , Montgomery, Al.	3 microfilm 1965-67	Restricted
SOSNA, Mort	1 transcript and copy of tapes of of interview with Arthur Raper, 4/23/71	
STAROBIN, Robert	2 cartons, 1 package - Free Speech Movement	
STEIN, Alan	1 envelope, 1 box - civil rights	Restricted
STEPTOE, E. W.	1 folder - Liberty, Mass.	
STETSON, Joe	1 folder - Georgia SNCC, 1965-66	
STEWART, Charles	1 folder - Mississippi 1964	
STEWART, Frank H.	8 tapes - Mississippi	
SUTHERLAND, Elizabeth	3 cartons - manuscript for <u>Letters From Mississippi</u> ; 1 gray box re Sunflower County, Mississippi 1964	
(Third) National Black Power Conference	1 carton - pamphlets and miscellaneous materials	
TILLOW, Walter	1 carton and 1 black box - correspondence and miscellaneous re AFDP, SSOC, SNCC	Restricted
TINGLUM, Ottar	1 letter - Selma March, 1965	
TOWNSEND, Silas	1 folder - Connecticut	
TSELOS, George	1 carton - miscellaneous civil liberties and civil rights	

Unprocessed Collections - 12

TURNER, Jennie	1 envelope - anti-war	
Urban League, Milwaukee	1 carton and 1 package of organizational papers	
VARELA, Mary	2 folders - Selma, Alabama, 1964	
Veterans for Peace in Vietnam, New York, New York	1 folder	
Vine City Project, Atlanta, Georgia SNCC	2 gray boxes, 1 package	
VOGEL, Lise	1 gray box - Shaw, Mississippi SNCC, COFO	
W. E. B. DuBois Clubs of America	2 envelopes	
W. E. B. DuBois Clubs of America, Madison, Wis.	1 box	
WALKER, Sam	1 folder - Gulfport, Mississippi 1965	
WERNER, Hank	1 box of printed materials re civil rights movement, Madison movement groups; 1 folder - Leake County, Mississippi	
West End Community Council	10 cartons, 1 gray box, 1 envelope	Restricted
West Tennessee Voters Project	2 gray boxes	Restricted
WHITMAN, Miriam F.	1 carton, 2 tapes - civil rights	
WILSON, Christopher	1 folder, 1 envelope re Jackson, Mississippi and Southern California	
WINFIELD, William	1 gray box, Mississippi CDGM	
WINOGRAD, Rabbi Richard W.	2 letters re Birmingham	
Wisconsin Civil Liberties Union	1 carton	

Unprocessed Collections - 13

Wisconsin Indian Leadership
Conference

1 box of papers, proceedings and
resource materials for Conference
1962-69

Women's Abortion Coalition,
San Francisco, California

1 package of publications

Young Socialist Alliance

7 boxes, 4 archives boxes of
miscellaneous materials

ZIMMERMAN, Mitchell

1 folder - Little Rock Arkansas,
1965-66

ZINN, Howard

1 folder - Mississippi COFO 1964

ZIPPERT, John

1 gray box - St. Landry Parish,
Louisiana CORE

ZWERLING, Matthew

1 folder - Clarksdale, Mississippi
SNCC 1964

COLLECTIONS BEING PROCESSED

Citizens for Immediate Withdrawal	1 envelope and 1 archives box
GOODMAN, Dr. Carolyn	3 cartons of materials re her son Andrew Goodman
JORDAN, Joan	2 boxes re Women's movement in San Francisco, California
Madison Area Peace Action Coalition	1 archives box
Poor People's Coop of Mississippi	1 carton of records
Scholarship, Education and Defense Fund for Racial Equality	200 boxes (Will be done by September, 1972)
Socialist Workers Party	4 cartons - on microfilm
Student Mobilization Committee to End the War in Vietnam	16 cartons, 1 envelope
Students for a Democratic Society	55 cartons, 1 box (Will be done by September, 1972)
Turn Toward Peace	21 cartons of organization's office files. Formerly called Acts for Peace or World Without War Council
Vietnam Moratorium Committee	10 cartons, 1 package
World Without War Council	2 cartons. See also Acts for Peace and Turn Toward Peace

INDEX OF ORGANIZATIONS AND THEIR RELATED INDIVIDUAL COLLECTIONS

CORE

Abramovitz, Robert
Acheson, Meldon
Currier, Charles
Gartner, Alan
Jacobson, Thomas
Reichert, William O.
Rich, Faith
Schulze, Gene

SWP

Boutelle, Paul
Halstead, Fred
Kutcher Civil Rights Committee

SCEF

Braden, Anne and Carl

COFO

Adickes, Sandra
Aickin, Mary R.
Allan, Russell
Thomas, Patrick

SNCC

Bond, Julian
Hard, Sandra
Robinson, JoAnn O.
Walborn, Judy

DELTA MINISTRY

Bowie, Harry

SDS

McEldowney, Carol

FREEDOM INFORMATION SERVICE

Lapsansky, Philip

FREEDOM SCHOOLS

Baer, Douglas
Gladstone, Susan
Headrick, Rita
Hexter, Christopher
Robinson, JoAnn O.

McCarthy for President

Fitchburg (Town of)
Peterson, Donald O.

MFDP

Hamer, Fannie Lou
Park, Robert W.
Romaine, Anne
Smith, L. C.

Note. The Braden Collection, and the Contemporary Social Action Collection files should also be referred to for further information regarding these organizations.

Information from Office of Education, Mr. Kuric - 962-5561

The District of Columbia Public Schools reported to the Office of Education that in FY 1968 they spent \$5,397,367 of ESEA Title I Funds.

Room 2089C
Mr. FARLEY

SCHOOL DESEGREGATION: PROGRESS IN EIGHT CITIES*

Prepared by
Robert T. Stout, Claremont Graduate School
Claremont, California
for the
National Conference on Equal Educational Opportunity
in America's Cities
sponsored by the
U.S. Commission on Civil Rights, Washington, D.C.
November 16-18, 1967

This paper summarizes this research, carried out in the summer and early fall of 1966. As part of a larger effort by the Commission, we examined school desegregation decisions in eight Northern and Western cities. The focus of our attention is on efforts to eliminate de facto school segregation. It was and is an unprecedented issue. The definition of de facto segregation has not been established (witness the expanded definition which derives from Hobson v. Hanson). It has aroused conflict in hundreds of communities around the country, yet the mechanisms of conflict resolution have not been developed. And, sadly, the results of positive action still await documentation by social scientists.

* The research reported here was financed through a contract with the U.S. Commission on Civil Rights. Mr. Morton Inger is co-author of the original study.

We have chosen to speak about desegregation rather than about integration. By desegregation we mean a deliberate change in school policy, such that children who formerly attended racially homogeneous schools now attend racially heterogeneous schools. By integration we mean desegregation coupled with other policies which tend to foster equal educational opportunity for all children.

In general, the policies of the school boards surveyed here have been limited to desegregation, and thus limited in the degree to which they foster full equality of educational opportunity.

We believe that there is no question about the good faith of the various school board members involved. In each case they made decisions, without real pressure from civil rights activists, which prompted opposition from some segments of the communities' Caucasian majorities. They also have adopted policies which have the potential partly to equalize educational opportunity. They have adopted or are adopting multi-ethnic textbooks and beginning to include the role of Negro historical and contemporary figures in regular social studies and history courses. They are making preliminary attempts to recruit Negro teachers and to place them in desegregated schools and are becoming cognizant of the potential for in-service teacher training.

However, what we observed in the eight cities was desegregation. Although they are becoming committed to integration, we have seen little evidence that the commitment has been realized. Nevertheless, the critical point is that in the eight cities which we studied a commitment was made. The purpose of this paper is to explore the manner in which the commitment was arrived at.

The eight cities were situated in four states. They range in size from 10,000 to 300,000 persons. They range in structure from urban centers to suburbs and self-contained small towns. Their economic bases are industrial, residential, and commercial. The political structures range from non-partisanship to relatively tight one-party control. An index of citizen participation in community decisions would range from low to high. Thus we have some confidence that these eight cities represent a fairly wide spectrum of American communities.

Although geographic location of decisions is important for an understanding of our findings, the political location also is crucial. The decision to desegregate is still a local decision, almost unaffected by other than local conditions. This is not to argue that other factors are totally absent; perhaps the most pervasive of these factors is the American ethos which positively values equality of opportunity. For communities to overtly and consciously deny opportunity to large segments of school age children requires a callousness difficult to sustain.

Access to information about other communities also is a factor. The precise extent to which such information played a role in determining action is conjecture. But we do know that any knowledgeable person in White Plains, New York, had to be looking over his shoulder at New Rochelle. Similarly, people in Teaneck, New Jersey, wanted to avoid having "another Englewood" with demonstrations, sit-ins, and general anxiety. Finally, the state and federal governments have been sources of influence as well. But in the main these influences have been intermittent, diffuse, and on occasion self-contradictory.

We saw, then, largely a process by which local citizens exercised local prerogatives.

Because the Constitution of the United States makes no explicit provision for maintaining a public school system, the responsibility for such provision has devolved to the individual states. In turn, they have delegated much of the responsibility to local school governing bodies. Local citizens make demands, and the schools respond. Although the schools have responded to demands on other levels as well, we believe it fair to say that the relationship between the schools and their local communities has been and continues to be more intense than that between the schools and any other organization.

The intensity of the relationship is not without cause. Local citizens have supported local schools on the basis of self-imposed taxes. They have depended on the schools to teach local norms and locally needed skills. They have expressed through the schools their concerns for the future of the community and their pride in it. As a result, school decisions are perceived as major community decisions. Conflicts over school decisions have been as numerous and intense as conflicts about any other phase of American life. Over time, however, the public school system has survived, grown, and improved.

School desegregation, as a local school decision, could prove to be a highly divisive issue, or it could become one over which entire communities express a commitment to genuine equality among citizens. My view is that the path a community takes is mainly a result of the efforts of the school board and the school superintendent.

The Decision Process

Community Response to School Board Indecision

School desegregation is widely feared by school administrators and school board members as a dangerously disruptive issue. The fears are based mainly on the educators' perceptions of how the white community will respond. Their perception is that the white community will be so aroused over desegregation that it will rebel against the school system in general, refuse to support needed bond issues, and (in the case of elected school boards) turn the incumbents out of office.

A controversy over the school system that arouses the hostility of the public can generate "excessive" attention over the school system, drawing to the issue people who are normally uninterested in school affairs and ordinarily willing to let the educators have a free hand. There is ample evidence that controversy over school desegregation also attracts people who have grudges against the school system because of a belief that the schools are spending too much money and getting too few results in general.

Educators have seen and heard of these disruptive controversies. Boston, Chicago, Cleveland, Oakland, and Buffalo are vivid examples of cities whose school systems are believed to have been hurt in general by a public fight over desegregation. No realistic educator would willingly subject his school system to the strains experienced in these cities. Boycotts, emotional name-calling, petitions -- these are anathema to the school administrator. Like any administrator, he prefers "to get on with his work". (Lawsuits, too, are time-consuming and disruptive but are much preferred to the other forms of opposition. To a large extent the lawsuit can be turned over to the attorneys.)

Since the controversies arise in great part from white objections to and fears of school desegregation, it would be well to make them explicit. The most consistent opposition comes from ethnic minorities -- chiefly Italian, Irish, and Polish, and occasionally Jewish -- who feel themselves in some kind of competition with Negroes. The brunt of the opposition comes from those who have only recently emerged from the ghetto. For these people their homes and their neighborhoods are both the physical manifestation and the symbolic representation of a life-long ambition. Their neighborhoods frequently adjoin the Negro ghetto. Consequently they see school desegregation as a dual threat. Since their status depends to a large extent on their real and perceived separation from the ghetto, a desegregation plan which erases the separation lowers it. Perhaps a typical response is, "I worked hard to get where I am and I'll be damned if I'll allow it to be taken away". Secondly, and this is especially true for desegregation plans involving adjoining schools, desegregation raises for these whites the specter of a residential invasion and the consequent loss of the neighborhood as a racially homogeneous unit.

For whites higher up on the social scale, desegregation is feared for the perceived effect it might have of dragging down the achievement level of their children. For these whites, desegregation also is feared because it means that their children will have to associate with lower social class children whose behavior deviates from middle-class norms.

There are other, more generalized fears: among the middle and upper-middle class whites there is a general dislike of controversy and conflict (which are viewed as lower class phenomena) and consequently

of anything that brings about controversy. When school desegregation is the outgrowth of a militant civil rights movement which creates public controversy, these white people are disturbed. Further, among the middle-to-lower class whites the civil rights movement and the demands for integration are seen as threats to the political power which they -- particularly the working class ethnic minorities -- have built up over the years. Understandably, many good school superintendents and board members think an issue that arouses such fears is too dangerous to handle.

Because the decision to desegregate is located in school boards and administrations, and because of the conditions under which the issue was broached, some of the key actors shall be described. Typically the question of desegregation was brought to a board of education. The impetus first lay outside the local school governing body, with a state official, as in New York, or with a representative of civil rights group. In either case the issue was brought to an essentially naive board of education.

The school board members represented in this study came to the school board by various routes. But however they become school board members, they bring to their task their own feelings about how a school system should be run, their own attitudes about the school's clients, and a general willingness to devote a great deal of time and energy. Beyond that, they bring perceptions of what the citizens of the community desire. They generally do not bring an understanding of the educational process or of their duties as school board members. If school boards make policy, it is accepted by many educational writers that superintendents teach school boards the boundaries of the policy-making role.

For purposes of description, the model school board member in the cities we studied was a Caucasian male engaged in a professional or managerial occupation; he had no previous experience with educational policy-making and was attracted to the schools by his wish to improve education. He was asked to be a candidate for or to accept an appointment to the school board, has lived in his community for several years and enjoys the life there, and has children in the public school. He speaks of his school board membership as a civic duty, takes his job seriously, and has no desire to use his position as a base for personal political ambition. Finally, he says he wants to provide the best possible education for the children of the community.

In many respects such a group of men is ideal for governing a school system. They are able to comprehend most educational questions; they understand the necessity to recruit able superintendents and are willing to offer high salaries to such men, and they are accustomed to dealing with policy matters.

But such a school board experiences some disadvantages, particularly with respect to school integration. Because the board members do not concern themselves with the everyday functioning of the school system, it is possible that they do not know as much about the systems which they govern as would be desirable in view of their roles as decision makers. Since they are busy men it is inconceivable that they could read and analyze all the important information which school systems collect. It is conceivable that when the issue of segregation was first presented the board members did not know its extent in their schools. We believe this to have happened in Syracuse, for example.

A second, and we think very serious disadvantage facing such a board is that in their normal business and social interactions they are unlikely to have come into contact with Negroes who might be considered social class equals. In addition, it is unlikely that they will have had first hand experience with poverty in any form, let alone Negro ghetto poverty. Although they seemed able to comprehend poverty as an abstraction, we found that at first they were genuinely ignorant of the conditions in which some of the Negro children lived.

The forty or so men and women we have described were ultimately responsible for decisions to desegregate and many of them will be responsible for decisions to integrate. The obvious question is, "Why did these school board members act when school board members in other cities have hesitated or refused to act?"

One possibility is that they were put under extreme pressure by advocates of integration and acted to avoid open and prolonged conflict. This argument is not credible in light of the fact that only in Englewood and Syracuse was there any semblance of active sustained civil rights pressure.

A second possibility is that they believed that the whole community wanted integration. Again, the argument can be discredited in view of their efforts to present the plans in ways such that the community would be unable to express its hostility. It is unlikely that the school board members were unaware of the probable hostility of large segments of the white community.

A third alternative is that these forty persons believed that desegregation was morally right and educationally desirable and that they acted on these beliefs. We were able to ask school board members

how they felt about several questions involving desegregation. While their responses might be termed moderately liberal with respect to civil rights issues in general, they were overwhelmingly committed to school desegregation. For example, 90 percent of them believed that schools could overcome some of the deprivations caused by poverty backgrounds; 85 percent of them believed that Negro children would learn more in an integrated school than in a segregated school. If we remember that when the study was conducted, unlike today, the volume of supporting evidence for this position was quite small, their belief was more a statement of faith than of fact.

The school board members were not alone in their beliefs. Their superintendents shared this view. Every superintendent expressed the conviction that integration was a proper and important goal for the public schools. Englewood's superintendent, Mark Shedd (now superintendent of the Philadelphia public schools), said he favored integration because it was educationally sound and because it was profoundly valuable socially. Teaneck's superintendent, Harvey Scribner, believes for educational reasons that every school should represent the ethnic, economic, racial and social makeup of America, not just Teaneck.

Although each of these cities achieved some measure of desegregation, the process of decision differed. In some the process was halting and open to participation by many members of the community. In others the process was sure and was treated as a normal educational matter, well within the boundaries of standard school board consideration and not open to public discussion. In view of what are believed to be prevailing white attitudes toward integration, the white response to the decision in these eight communities is interesting. In four of

the cities there was either no conflict or else the opposition took forms -- such as lawsuits -- which helped to legitimate the school system's plan. In the other four cities there was open conflict (in varying amounts), but the school system in all but Englewood was able to retain control of the situation. In all eight the community ultimately accepted the school plan.

The differences among the eight cities can be seen as differences in the ways the school systems presented the plans. The eight cities range from Englewood, where first the school officials and then the city administration asked all the citizens to vote on whether to integrate, to White Plains, where the school administration worked skillfully to keep the issue from ever going to the public. It always is difficult to categorize cities because of the many variables, but it is relatively easy to place these eight on a continuum of open community conflict and noise about the plan. From high to low; Englewood with sit-ins and demonstrations; Berkeley, with a recall election and heated public meetings; Teaneck, with a neighborhood school election slate and heated public meetings; to Rochester and White Plains which had virtually no public controversy.

If we construct another continuum, admittedly more difficult, to represent the way the issue was presented to the public, we see an almost perfect correspondence in city positions. The city with the greatest noise and the most difficulty in obtaining community acceptance -- Englewood -- was the city in which the school and city officials went to the greatest pains in asking the public for its advice and opinion. The city with the greatest ease in obtaining community

acceptance -- White Plains -- made the least effort to get widespread approval. Instead, the White Plains school officials skillfully co-opted the leading community organizations and made it appear that the integration plan had the support of the community. As Superintendent Johnson explained to us, "Who would ask for a show of hands on a moral issue?"

We believe the lesson of these eight cities is clear. The more the public is asked for its opinion, the less the likelihood the public will easily accept the plan. One can pick cities from any points on the continua and find the argument supported. White Plains is especially satisfactory because community acceptance was won from a rebellious community which had just decided twice in the previous year that it thought the schools were spending too much money. Teaneck is another good example for despite the vitriolic conflict, the community quietly accepted the desegregation plan once it was put into effect; only when the board of education demonstrated uncertainty about its position was hostility prevalent.

At the risk of going beyond our data we offer a rationale for the relationship between community conflict and public participation in the decision. A school board is a governmental decision-making body. The job of a school board is to make school policy, and when it hesitates or refuses to do so -- by inviting the community to make decisions for it -- it has abdicated its legitimate responsibility.

By so doing a board of education creates a decision vacuum. This tends to be filled by competing interest groups all of whom want to convince the board that they fully represent the community. Typically the groups are polarized along racial lines, and typically they

demand exclusive representation. Such competition quickly evolves to a contest in which only extreme positions are represented. The conflict which emerges frightens most people away and becomes an issue between "those Negroes" and "us whites". Such a public controversy disturbs the foundations of the community and causes many whites to reject the whole disturbance, including the idea of integration which "caused" it.

Having thus deferred to the public, the school board is in the untenable position of being unable to define the particular position which it will take. Given the competing views, how is the board to decide what the "public" wants? Threats and noise do not constitute educational grounds for decision. When the board attempts to regain its responsibility to decide the issue it often is accused of tyranny and duplicity, accusations which render many boards immobile.

Response to School Board Decision

As several of the eight cities demonstrate, abdication of decision-making responsibility does not always occur. When it does not the issue and the response are changed.

School integration is an educational issue which can be treated in a variety of ways. At one extreme school integration is an encapsulated issue to be dealt with in a discreet time period and then forgotten as an issue. An obvious example occurs when a school system moves children around one year and then forgets about them. On the other end integration is seen to affect every educational decision a school board makes. The members of the boards of education we studied (at the time we studied them), were closer to the "encapsulated issue" end of the continuum. The school superintendents however, seemed to

see integration as an issue which is to be considered thoroughly and constantly. We believe that the superintendents in these eight cities played crucial roles in the decisions made by the boards. Committed as they were to integration, the school superintendents in these eight cities deliberately and carefully set about to accomplish the elimination of segregation. We are tempted to refer to the school superintendents as the prime movers in the decision to desegregate. However, Superintendent Wennerberg of Berkeley called himself an "enabler", which term probably is more accurate. The major difference between the two definitions of the role is that in the latter an actively sympathetic school board is implied. Without such a board, we believe it would have been almost impossible for the superintendents to have brought about change.

Regardless of the position of the school board, the superintendents were faced with some serious disadvantages in the desegregation decisions. Perhaps most serious was the lack of convincing evidence that integration is an educational good. During the time of decision for these school systems little was known about the effects of integration on achievement, not to mention the effects on attitudes and values. Berkeley made perhaps the best use of the available evidence, but even that took the form of testimonials from experts, with some limited use of data showing the correlations between segregation and low achievement. The lack of definitive evidence was used by the opponents of integration. The Council for Better Education of Syracuse, a group opposed to integration and committed to segregated compensatory education used quotations from Hubert Humphrey, Charles Silberman, Thomas Pettigrew, James Conant and the New Rochelle report of the U.S.

Commission on Civil Rights to make its case before the Syracuse Board of Education.

In addition to a lack of evidence that integration is good, the school systems were faced with a lack of models of successful integration programs. The Princeton Plan was available but perceived as not adequate to deal with all desegregation problems. The idea of an education park had been proposed, but it is expensive and requires a complete realignment of the school system. Redrawing boundaries had been tried but found wanting in most instances. The closing of a school and the redistribution of children was available as a plan, but this necessitated transportation and available room in other schools. For these superintendents there was no single plan which appeared to be workable in generalized form. They were forced to modify existing plans or devise new ones to fit the special circumstances of their particular situations.

A third disadvantage which the superintendents faced was a lack of help from the graduate schools of education in the United States. There is a limited number of scholars who are devoting their skills to the solution of de facto segregation problems in American communities.

A last disadvantage facing the superintendent was a result of the political nature of the decision to desegregate. These superintendents had had little or no practice in the political art required to desegregate a school system. While they had certainly had practice in the political arts required for successful passage of bond referenda (this is a topic which receives constant discussion in graduate schools

of education), the issue of integration was the hottest issue in American education. We wish we could say that these disadvantages have been eliminated in the last year. However, a conference such as this alleviates some of them.

At the same time that there are disadvantages, the school superintendents had immense resources under their direct control. The superintendents of these eight cities made extremely effective use of these resources, and this ability constituted the key to the success of their plans.

The most basic of the resources is the superintendent's expertise in school matters. Superintendents have specialized training in education, are recognized as school leaders, and enjoy the respect of most citizens. When a school superintendent speaks, he speaks as the representative of a well organized profession with tight controls over membership, which profession is buttressed by American universities. His perceived professionalism is therefore a very powerful resource. He also has the ability to deplete a city's stock of educational and professionals by his own resignation. Superintendent Sullivan threatened to resign if the recall election was successful in Berkeley, after having been there only two months. Highly competent superintendents are not readily found and once found are subject to continued offers from other cities.

A second resource of a superintendent is the definition of his role. He is expected to spend full time dealing with school matters. Because he does, he can accumulate an enormous amount of information about a single organization, and he can use the information in his full-time effort to solve school problems. It is unlikely that a

competent superintendent with these two resources could not devise solutions to most school problems which would be acceptable to most citizens in the community.

But the superintendent has other important resources. He can recruit sympathetic staff members. Berkeley can choose teachers from nine times as many applicants as they have positions. Superintendent Scribner recruited the Negro principal of the Eugene Field School from the Englewood school system. Superintendent Goldberg of Rochester was able to recruit Dr. Elliott Shapiro of New York City for his proposed new urban elementary school.

In addition to recruitment of staff, the superintendent can realign his present staff to accomplish his aims. In Berkeley, Dr. Wennerberg completely realigned his central office staff to by-pass administrators who were not sympathetic to his aims. He can create new positions and remove responsibility from old positions.

Besides the realignment of staff, the superintendent can reward good ideas of staff members and can use their talents in new ways. In Syracuse, David Sine, the former director of research and the man who first advanced the idea of an education park for Syracuse, was given the responsibility of coordinating the development of plans for such a building program. In Berkeley the final plan was originally proposed by a teacher and was eventually given her name.

To supplement the ideas of his own staff, the superintendent can call on outside consultants. In White Plains, Greenburgh, Englewood, Syracuse, Berkeley, Teaneck, and Rochester, the use of outside consultants was prominent at some point in the decision process.

A seventh resource available to a superintendent is his ability to control the allocation of money. Even in school districts which must depend on some other government body for total budget approval, item approval is not necessary. Thus a superintendent has immense control over allocation of resources. This control allows him to emphasize certain programs and de-emphasize others, and his only risk is that he will be fired. But with a sympathetic school board that risk is low. The citizens of the community can control resource allocation only by electing a new school board or by suing for violation of their rights as citizens.

The last resource available to a superintendent is the public nature of the conflict over integration. In the broadest sense, the spotlight which is turned on a superintendent during the decision process makes him personally invulnerable. To be attacked by identifiable villains for their championship of integration guarantees their professional future. They need not be concerned about finding a new position. And if they succeed in desegregating a school system, the opportunities for advancement are even further increased.

One measure of the success of the superintendents in using their resources is that, except for Coatesville and Berkeley, no school board adopted a plan not originally proposed by the superintendent. Each superintendent used what resources he had as often as he could. In addition to those we have mentioned, the superintendents displayed a great deal of plain tenacity and even guile. As much as anything, perhaps, the last two qualities got them over the rough spots. Some of them told us about events which sounded similar to second-rate spy

movies. In Teaneck an anti-integrationist was reported to have said publicly to the superintendent, "I know you're not a communist, but you talk like one, you act like one, and you propose policies the communists favor". Stories of night phone call threats, opposition, and near-sabotage from within the central school office and the necessity for police protection of school board members abound.

Our discussion of the differences among the eight cities in this study should not be allowed to cloud over the important similarities which distinguish them from Boston, Buffalo, and Kansas City, for instance.

First, in all eight cities, the school officials believed that integration was a proper and important goal for the school system and communicated that belief to the community.

Secondly, despite the differences in the way the issue was presented to the public, an integration plan was actually put into effect in all eight cities.

Third, despite the fact that some of the eight cities experienced difficulties in getting community acceptance, all eight communities accepted the plans.

Finally, despite the fears that the school system would be hurt if the integration issue came up, in all eight cities the public has not only accepted the desegregation plan but has, in addition, supported bond issues and re-elected the school board members who promulgated them.

We have called attention to two key elements of these success stories. (1) The school officials presented integration as a proper goal for the educational system, and in some of the cities as an educationally beneficial change. (2) In the cities where acceptance was won with the least conflict, the public was not asked for its opinion or advice or approval. But there is a further point which distinguishes these eight cities from the cities which have experienced turmoil over desegregation and have not desegregated.

In Chicago, Cleveland, Boston, Buffalo and many Southern cities, race relations consists of a battle between the civil rights organizations and whites who are opposed to integration; the result stirs up hatreds and fears. In these eight cities, by contrast, the school system adopted integration as its own goal, thereby giving it legitimacy. If a battle arose in these cities, it was between an accepted governmental body and a group of dissident citizens.

In Teaneck, as in Berkeley, the school board was not committed to a specific integration plan. Indeed, the Teaneck board did not agree on a plan until two nights before the meeting at which they formally adopted it. This uncertainty was known to the public, and it had the effect of opening up the issue and making it a public controversy. A campaign for the school board was fought out over the issue; and when word leaked out that the board had agreed on a plan, three city councilmen crashed an executive session of the board to protest the decision. At a public meeting the next night, 1400 people (estimated to be 3 to 1 against the plan) crowded into the meeting room, shouting and shaking their fists. After calling a five minute recess to collect themselves, the board members came back and adopted the plan by a vote of 7 to 2.

From that point on, any community response had to be to a governmental decision. Governmental decisions are legitimate; for many people, this is enough to settle the issue. Even for the committed opponents opposition is difficult. This was clearly the case in Teaneck, for the outburst at the school board meeting was the last open attack on the Teaneck school board. The opponents filed law suits (and lost) and conducted a vigorous election campaign a year

later. The legitimating effect of the governmental decision can be seen by comparing that election with the school board election which was held while the board was still making up its mind. In February of 1964, while the board was still uncertain, two proponents of the neighborhood school concept were elected to the board, while one incumbent who was known to be favoring the superintendent's integration plans squeaked past a third pro-neighborhood school candidate by only 21 votes. But in the election following the adoption of the integration plan, all three candidates favoring the board's integration plan defeated the three neighborhood school candidates by a 7 to 5 margin.

Desegregation in these cities was achieved not by civil rights marches and boycotts, but by competent and accepted school officials acting in the name of educational values. Consequently, the actions taken by these school boards, though not exactly what the public would have wanted the boards to do if they had been asked for their opinion, were accepted by the public.

For those who might ask if what we have described is undemocratic, we can ask in turn why these communities accepted the plans. The answer must be that the people in these cities got what they wanted. Each of these cities has a representative democracy. If the school board is not elected, the man who appoints the board is. Democracy does not mean that all the people make all the decisions. The fundamental requirements of democracy are met if the people have opportunity to influence the decision makers, that is, if those who actually govern can be held accountable by the people. Actual day-to-day decisions are left to representatives of the people, who expect these representatives "to get on with it" without referring all the decisions

to them. In fact, democracy is served when the representative accepts responsibility for the decisions. President Truman's "The buck stops with me" made it simpler for the public to hold him accountable for his policies and programs. The people of the communities which experienced conflict wanted the same things the people in the other cities wanted: peace, progress, and prosperity. By dodging responsibility and asking the people how and whether to integrate, the officials of these cities failed to give their citizens what they wanted. The officials of these cities failed to give their citizens what they wanted. The officials in the other cities achieved desegregation, kept the peace, and have been able to get on with some other fundamental educational problems.

By way of a summary, we can hazard a prediction: If the school officials in a city will (1) move and act instead of studying and talking about it while waiting for the impetus to come from elsewhere and (2) treat integration as a routine educational matter and (3) proceed to implement the program without asking for a show of hands, the community will accept its integration plans.

"THE DISTRICT'S TROUBLED SCHOOLS"

a presentation of

WTOP NEWS

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Correspondents: Martin Agronsky,
George Allen, Max Robinson, and Tim O'Brien

Producer: Kenneth D. Tiven

Executive Producer: Martin Clancy

MR. AGRONSKY: This is a public school corridor in the District of Columbia. The man in the blue uniform is not a teacher, not a student, but he has become part of the pattern of what in this city is called "education."

ANNOUNCER: This is a WTOP News Special Report--"The District's Troubled Schools," with WTOP News Correspondents George Allen, Max Robinson and Tim O'Brien.

Here is Martin Agronsky.

MR. AGRONSKY: The troubles that beset District schools are many and familiar, some of them all too familiar: high school seniors who cannot read a third-grade reader, overcrowded buildings, not enough money, not enough books, teachers who don't reach their students, and the students themselves, more complicated and more demanding than any who have gone to school before them.

In this report you will hear something about those familiar problems and about problems that are new and perhaps shocking to you.

The most visible symptom of the ills plaguing District schools is the violence, and that is our starting point, as we take a look at this city's school system through the eyes of the students and teachers who live with it daily.

In recent weeks we have had almost a daily reminder of the increasing difficulty of maintaining order in District schools.

And here is WTOP News Correspondent Tim O'Brien.

MR. O'BRIEN: When the schools opened in September, students returned to an atmosphere of violence unprecedented in the city's history. The statistics for the 1968-69 school year show 380 burglaries of District schools.

A junior high school principal reports that in just one three-week period there were 30 cases of extortion, 20 assaults, 23 locker break-ins, 2 burglaries in the building, and innumerable cases of vandalism.

STUDENT: "They took my lunch and they ask me for money every time I change classes, and when I go out on the playground they take your shoes off and things like that."

STUDENT: "Well, I was asked for money and then I had my lunch taken away from me. And then a 17-year-old girl, when I was coming from the library, she pushed me up against the wall and asked me for money. I said I didn't have any and she opened up my hand and took it from me."

"How often does this happen?"

"It happens -- I get asked for money every day."

MR. O'BRIEN: Guns in District schools are a growing menace. Last year, an assistant principal was shot to death as he tried to prevent a holdup in his school.

And this year, at Hine Junior High School, 15-year-old Tyrone Perry was killed by a bullet. It was fired accidentally, police say, from a gun being shown off by a schoolmate.

CHARLES THOMPSON, HINE PRINCIPAL: "I was in a meeting with several teachers and a nurse came in, saying that someone had been shot in the gym. I rushed out and I found Tyrone was on the stairwell leading up to the boys' gym. There was a gym teacher attempting to stop the blood. I asked what had happened and he said that he thought there was a bullet."

MR. O'BRIEN: The death of Tyrone Perry prompted Mayor Washington to order policemen to patrol the most troubled schools, and administrators and aides to patrol others. There is opposition to that policy.

WASHINGTON TEACHERS' UNION PRESIDENT WILLIAM SIMON: "We are heartily in favor of teacher aides being a part of the staff of the school. Now, policemen -- in cases of extreme emergency, yes -- but to have a policeman in the school all day long, in uniform, I am not in favor of. You cannot dispense education under armed guard."

MR. O'BRIEN: Tyrone Perry was the first pupil in the history of the District to die as a victim of school violence. There had been assaults, robbery, extortion, rape, and once before, in the case of the assistant principal last year, death.

But the gunshot death of Tyrone Perry dramatized for the community the violence and fear that are part of the pattern of going to school in the District of Columbia.

MR. AGRONSKY: The problems plaguing the city schools are indeed deep-rooted, in history, in money, and in facilities.

Max Robinson reports.

MR. ROBINSON: Like nearly every other institution created by people, the District school system has within it some good things and some bad. In some District school rooms you will find up-to-date sensitive teaching, as good as anywhere in the Nation. But in District schools you will also find vandalism, a disturbing amount of it, such as the stone railing that was ripped out of here.

Though there is good teaching, there is not nearly enough of it, and there is far too much vandalism, and that is basically the story of the District schools in recent years -- not enough good and too much bad.

Like Dunbar, many District schools are old and decrepit. A third of them are more than fifty years old. But along with the old piles, you can find some schools as modern as you will find in any city system. Studying in them every day, or trying to, are 150,000 students, about 20 percent of the population of the District of Columbia.

Forty years ago white students outnumbered black two-to-one, but today nine out of every ten students are black. The schools take about one-quarter of all the money the city spends. The despair of school administrators is the wanton destruction of school property by students and dropouts.

Last year they smashed almost 44,000 window panes. It cost nearly a half-million dollars of hard-to-come-by school money to replace them.

Students broke into a high school over a weekend and wantonly smashed sixty or so of these expensive magnifiers and microscopes.

Why do students mount such costly attacks against the schools which are supposed to be trying to benefit them? The answer might lie in the fact that in the United States today there are only three places we make people go to and stay against their will -- jails, mental hospitals, and schools.

MR. AGRONSKY: In addition to our making people stay in them who don't want to be in them, are there any other similarities between jails, mental hospitals and our schools? The pupils in our schools have been changing rapidly and, while the schools have been trying to change with them, they just haven't been able to keep up. Let's visit one District school with WTOP News Correspondent George Allen.

MR. ALLEN: Anacostia High is not so good as some schools but it is better than others. It is trying to keep up with its students' needs in classes like these:

MRS. McNEIL, TEACHER: "I want you to think black. It is true. The most important of all, I want you to think that many of you next year will go away to college and I want you to be able to talk about something other than basketball because you are a big man on the court. I want you to be able to recite books, authors and titles, ideas. Don't say this is a cool dude."

(Students reciting "Macbeth.")

MR. ALLEN: But Anacostia High and most district schools have too many class situations like this -- harried teachers, struggling to keep order.

(Classroom disturbance.)

The principal of Anacostia High is Russell Lombardi. He is well liked by his teachers and students. He told me how his school is far too much like a jail for his liking.

MR. LOMBARDI: Well, I think one of the problems, again, is the Bail Reform Act, where a judge turns loose some of our boys. They say "you must be in school." I don't think the judge really has that privilege. As I said before, he is sitting somewhere out of town and he doesn't have to handle the problem.

MR. ALLEN: Well, what kind of boys are they sending in here?

MR. LOMBARDI: All the bank robbers, fellows who commit felonies, are awaiting trial.

MR. ALLEN: Do you have students like that in here?

MR. LOMBARDI: Yes, we do. Yes, we do.

MR. ALLEN: How many?

MR. LOMBARDI: Five or six. If I checked the records of each individual, there may be more.

MR. ALLEN: Do you think this is right?

MR. LOMBARDI: No, I don't. Even though the three that robbed the bank -- well, the three bank robbers that I know of, they haven't given me any particular trouble. But I am convinced that the bank that they robbed out of town, the gun that went in the window up there has been in this building. And if you let them come back again, these fellows carry guns sometimes like you and I carry a handkerchief, a pocket handkerchief. They are in and out of the building. I am positive of this.

MR. ALLEN: Should children who are normal and don't get into trouble have to associate in school with students who have committed felonies?

MR. LOMBARDI: Well, that is the point that I am making. If your daughter or some other person's daughter is walking the hall, I don't think they should have to worry about a fellow that we know has had a gun or has been in a shoot-out, being in the halls. They may pull a gun out in an argument with an outsider or someone else, and there may be a gun in the building again. I am very concerned about this part.

CLAUDE MOOTON, TEACHER, DOUGLAS J.H.S.: An incident about two weeks ago, a student who brought a gun to school, and he was apprehended by the police department

was sent to juvenile court, the judge placed him on probation and sent him back to school to finish what he started. Two weeks later the same boy was apprehended in the school by myself with another pistol and he was consequently transferred. But I think that really a lot of this lies with the permissiveness of the courts.

MR. LOMBARDI: It still is going on because some of the students are -- or former students -- are selling the clothes, whether it is for a drug habit, I don't know, but some other students have told me that this is what is happening. They break into lockers, steal coats and sell them at a cheap price so that they can get a reefer or some other form of drug. We have a couple of cases of actually the hard stuff, but this is one thing that I am now real tight with the students on, but I can not get any information. I can get information on guns and knives and rumbles and other stealing -- I get information on everything, and I am not looking for pimps. But we get no information on drugs, none whatsoever.

MR. ALLEN: It is not because students don't know. It is because they fear it is too dangerous to reveal much about the extent of drug traffic in the District's classrooms. I was, however, able to get one estimate, confirmed by several other sources, of the amount of drug involvement among Anacostia High's 1,500 students.

DIANE POWELL, STUDENT: I would say about 500 students have either experimented or are on hard stuff.

MR. ALLEN: What is hard stuff?

DIANE POWELL: Heroin, hashish -- not too many students on LSD. That is not found in this community.

MR. ALLEN: What else? How about pills?

DIANE POWELL: Pills -- pep pills, yes; other types, no. Marijuana, most definitely, a great deal of marijuana.

MR. ALLEN: Does this get in the way of education?

DIANE POWELL: It would depend. If you have a student who is high in your class, he is going to be a spectacle. Students are going to stop listening to the teacher to watch the kid and see how far he is going. Or, if you are walking down the halls and you see a kid running with a needle stuck out in his arm--

MR. ALLEN: Have you seen that?

DIANE POWELL: Yes, we had one incident of that sort at Anacostia.

ANNOUNCER: This WTOP News Special Report, "The District's Troubled Schools," will continue in a moment.

* * * * *

ANNOUNCER: Here again is Martin Agronsky.

MR. AGRONSKY: Like many other city schools across the Nation, the District schools are falling down on the fundamentals of education -- the traditional three R's. Thousands of students simply are not being taught to read, write, or count.

In 1967, in the junior high schools, one student in ten failed English. In 1968, the failure rate was up to nearly one student in seven. But, despite failure and being unable to read, students are pushed along from grade to grade, so they constantly face more failure and frustration.

This seems to be the single greatest cause of student dissatisfaction, that the schools are cheating them out of the most basic tool they need to succeed in life --the ability to read.

The insult is crowned when the student is handed a high school diploma which he may or may not be able to read. The reading situation has become so bad that Dr. Kenneth Clark is seriously suggesting that the schools stop teaching everything else to poor readers for one or two years and just concentrate on teaching them to read decently.

(School scenes.)

DIANE POWELL: "The school is just not equipped to handle these students. There is no material for a student, say, who is in the tenth grade who is reading below first grade average. There is no reading program for that student."

QUESTION: "What is the worst reader in the school that you know of?"

ANSWER: "The worst one I know of is a student who is reading pre-primer, which is before you get to first grade."

QUESTION: "And what year is he in?"

ANSWER: "And he is a tenth grader."

QUESTION: "At what level is the poorest reader in your class reading?"

MARY COOK, TEACHER: "I am not sure that I am capable of diagnosing that. I have students who have a difficult time pronouncing one-syllable words, a difficult time reading a complete sentence."

QUESTION: "Whose fault is that? Their's? The system? The parents?"

ANSWER: "I really don't know if I can put my finger on that either. I wouldn't blame the student himself. I have a hard time feeling that it is his fault."

TOM HELD, TEACHER: "But it is unfair to make them think that they are average, that they are doing tenth grade work and they are not doing tenth grade work."

QUESTION: "Can they really be fooled like that?"

ANSWER: "I don't know whether they really can. We have had cases where young people were fooled, where a girl graduated and thought she had a high school education and went to take the government exam and couldn't pass it and came back here and cried because she expected -- she had been led to believe that she had a high school education."

MARY COOK, TEACHER: "I don't know how to go about helping students to learn how to read. I would like to get them to want to read and get the materials that they actually can read. We are on our way, but that is very difficult, given the materials that I have and the time limit and the classroom situations I have. Why they have gotten to be juniors in high school and they don't--they can't make the transition between the written word and the thought that it represents, I really don't know."

CHARLES PROCTOR, TEACHER: "One has to individualize instruction, if possible, which is very difficult.

QUESTION: "How long has this grouping been going on or lack of grouping?"

ANSWER: "For the last two years we have had no grouping. It is considered illegal now and has been done away with and I think the problem is worse now without some form of grouping. I think some form of grouping is absolutely necessary."

MR. ALLEN: The most disruptive and far-reaching educational changes in recent years have come as a result of Judge Skelly Wright's rulings in the desegregation suit brought by Julius Hobson.

The disruptive changes flow not so much from the court decisions themselves as the mechanical way the school administrators have chosen to carry out Judge Wright's orders.

Before his decision in 1967, Washington schools had a track system. Bright kids and slow ones were separated and given different educations. The slow track soon became a dumping ground for children the schools could not control or could not interest, no matter how bright they were. The slow track soon became overwhelmingly black.

The school bureaucracy has chosen to interpret Judge Wright's decision to mean all ability grouping is illegal, which the Judge never said. So the administrators ended even the special classes for children with IQ's of 60 and 70 and put them in the regular classes with the brightest students. And now thousands of unfortunate youngsters have to spend their days playing with puzzles or pictures because teachers of regular classes cannot take the time these pupils require.

These deprived children are taken from their regular classes an hour a day for a session with a teacher who is supposedly trained to meet their needs. This is called the MIND program -- M.I.N.D., for Meeting Individual Needs Daily. Angry parents of slow learners say it is one of the biggest scandals in District schools today.

The District school bureaucracy employs a computer to make out class programs for high school students. But when a student requests a class which is not going to be given, the computer assigns a free period or a lunch period. Some students end up with five or six free class periods.

In the two to three weeks it takes teachers and principals to unscramble the mess, educational chaos reigns. Many unnecessary delays and problems result because the educational administration is too tightly centralized. Too much authority seems to rest downtown.

* * * * *

MR. ALLEN: Do you lack authority?

MR. LOMBARDI: I do. If you say do I lack of authority if I catch a student in the hall and, let's say the student is drinking. All right, to send that student home I have to follow a procedure, I think, of ten or eleven steps. I have to call the home. I have to write a letter to his parents. I have to write a letter in quadruplicate to the downtown office. I have to make sure that I give him a return date and, if he doesn't return, I have to go find out why he has not returned. And I am not taking away the student's right to counsel or anything else, because, as I have said, I have been through this and I know.

SUSAN SLOSSBERG, TEACHER: I know I can't speak for them but I can speak for myself. There are many times I have tried to get equipment for my students, just in the middle of the year. I can't get more than -- I can't get anything for them. You know, you have to go through many processes, requisitions and forms that you are working with no equipment and no books.

MR. ALLEN: What is your biggest single problem, as a teacher?

SUSAN SLOSSBERG: Oh, trying to cope with a system that just doesn't move.

MR. ALLEN: The rapid action to place policemen in school corridors following the death of Tyrone Perry came not from the school administration but from the Mayor's office. However, policemen in schools are proving to be far from popular with everyone and, least of all, with students.

* * * * *

MR. ALLEN: What do you think about having a policeman in the school?

DIANE POWELL, STUDENT: I reject it totally.

ROLAND LIVERPOOL, STUDENT: It sort of makes me feel that I am being told that I don't know how to act right, so there is somebody that has got to be there to watch me.

MR. ALLEN: Do you think the policeman does any good?

ROLAND LIVERPOOL: No good.

* * * * *

MR. ALLEN: And parents aren't sure whether they want policemen in the schools but right now they can't think of much else to do. In the search for answers, a group met with School Board member Martha Swaim.

PARENT (VOICE): And I think it is a very bad situation to have anybody armed in a school building. We don't want the children in there with guns and I don't want policemen in there with guns either.

PARENT (VOICE): I don't think anybody is in favor, everything else being equal, of policemen walking in the halls. But I would like to know how better to protect our children and our students from the kind of violence that we had last week. And I mean tomorrow, I don't mean next year. What should we do with or without the policemen?

THORNTON PAIGE (VOICE): Well, there is no doubt that policemen are not the answer. The problems that we have are much deeper than that. But you are looking for an immediate remedy. As far as the violence is concerned, I think that bringing in community aides and training them on the job is the quickest and probably one of the best solutions to the violence.

MRS. SHIRLEY QUICK: What you are saying though, to me, to just put a person in the hall, is saying you take that light and put it out. Now, that doesn't represent nothing. All you are doing is trying to keep the school from getting a bad name and the principal feeling bad. But we are talking about children, children that have to grow up and may take over this generation, take over this whole United States. And we want our children to really get something, you know. It is time to stop playing games and do something. You know, games playing has been over with. We found out how to play games, too. But now it is time we started to learn how we can play games together and do something and stop using all of this money for the surveys and all this study and writing up and put that money to work. That is all I have to say.

* * * * *

MR. AGRONSKY: One of the most significant causes of the troubles in District schools is that today's students are very different from any previous generation of students. Through radio and television they acquire a wide knowledge of the world around them. In one TV program after another, they see people speaking up for their rights. With radio and TV, even children who cannot read can acquire information and entertainment. The trouble comes about largely because teachers and administrators find it hard to understand or to relate to today's student and independent, sophisticated questioning, demanding rights their elders are not yet prepared to give up.

A leading education consultant, Mary Lela Sherburne, told George Allen that Washington has a unique advantage over other big city school systems: Not only are the students predominantly black, but so are the teachers.

MRS. SHERBURNE: So simply we have just gotten one problem out of the way. The problem is more than that. A black teacher, just because his skin is the same color as the students' may have problems in identifying with the student, just as a white teacher might. So we find that, for example, middle class, upper middle class black person who has education, that has grown up in an educated family, may find problems in identifying with an inner city black just as much as a white person does.

So what I am saying is that in Washington we really are in the place where we can deal with some of the first issues first, that is improving the quality of support which we give to school people, improving the opportunities which we build into the system for teachers to continue to learn and to continue to interact with the outer world, which there isn't. The school doesn't allow for teachers to keep on learning, you know. I think the student is more different today. You have always got to answer that ultimate question: If they don't want to do it, what are you going to do? How many policemen are we going to end up putting on to maintain children in school? How many guns and tanks are we going to have to bring in to control people?

We have got to go back to a dynamic kind of voluntarism where we make people recognize that they need to learn. We provide a viable kind of learning so that it becomes relevant and they can engage in it. In other words, we have got to go back to a way in which we as adults take on us as our responsibility to see that schools are places which children want to go to. Schools are a reflection of society. They are a reflection of all of us, as parents, as administrators, as citizens, and I think we are dealing with something where as adults we have not dealt with and understood the issue of authority ourselves. The problem lies in all of us and not just in the schools.

MR. AGRONSKY: The question of responsibility for the school system was raised, too, at Tyrone Perry's funeral. Tyrone's scoutmaster, Perry Edge.

PERRY EDGE: We are here to also point out the other guilty people, and first I would like to accuse our Superintendent of the D.C. public Schools as being among the guilty. I would like to accuse our School Board of being among the guilty. I would like to accuse our City Council of being among the guilty. I would like to accuse our community leaders and citizens of being guilty. I would like to accuse our City Mayor of being guilty. And finally, the real guilty person is that you, John Q. Public. And I want to say this: Tyrone, Tyrone, Tyrone, if you are to know the guilty person, I have given you a list and, Tyrone, Tyrone, I for one plan to continue because I do not want whatever happened to you to happen to your brother and your sister.

ANNOUNCER: "The District's Troubled Schools," with Martin Agronsky, George Allen, Max Robinson and Tim O'Brien, was a production of WTOP News. WTOP News will continue to examine problems besetting the schools in the District and in suburban areas in future broadcasts.

STATEMENT OF THE D.C. FEDERATION OF CIVIC ASSOCIATIONS AND OTHER SUPPORTING ORGANIZATIONS
GIVEN MONDAY, DEC. 13, 1971 AT THE D.C. CITY COUNCIL TRANSPORTATION "HEARING"

My name is Frederick H. Thomas, 2nd vice president of the D.C. Federation of Civic Associations. Our association has over 50 citizen and civic groups. We represent over 150,000 active citizens. Tonight, in a show of unity we have also been authorized by many other groups (listed later) to speak for them as well.

Each year, as if by design, the citizens of this city and the metropolitan area find themselves before the City Council just before Christmas. The reason is the freeway program that the D.C. Highway Department and some members of Congress are determined to force through our city.

Before proceeding with our statement, we would appreciate a response from the Council on the following points:

1. Do you now have in hand an Environmental Impact Study relating to this consultant's report?
2. Why aren't the duly-constituted hearings under Title 23 required for this "hearing" since the report contains new highway combinations never before presented to the citizens or the Council?
3. Will this report be transmitted to the Congress as it was written? Also will the Council's evaluation be transmitted to Congress as you will write it--or can the Mayor or the Dept. of Transportation change it?

In our society today "law and order" has become the cry of those who wish to impose their will regardless of due process or just cause. The citizens of this city have followed the law as we attempt to help solve the critical transportation crisis. When an understanding could not be reached on the freeways, the citizens took action. Everyone knowledgeable about freeways is aware of our victorious court decisions in 1968 and now in 1971 on the 3-Sisters Bridge.

This court action taken by the citizens now allows many of you Council members to hold your heads high vis-a-vis the Natchers, Broghills and others. The citizens backed you when you could not (or would not) help yourselves.

However, some public officials are not prepared or willing to adhere to the spirit of the law or the ancient law of cause & effect. Everyone's life is governed by this law--nothing just happens. There is always a reason why things happen. If a person or natural forces cause something to happen, the resulting action is bound to take effect on someone or something now or in the future.

Cause & effect is the law that the citizens of this city must rely on as a method of self-instruction through their own experiences, either pleasant or unpleasant.

Therefore as spokesman for the following groups I must make this list known to you:

The D.C. Federation of Civic Associations
The Urban League
The Emergency Committee on the Transportation Crisis
Metro. Washington Chap., Americans for Democratic Action
Citizens Coalition Against D.C. Transit
Upper Northeast Coordinating Council
Washington Ecology Center
D.C. Statehood Party
Brookland Neighbors
Lamond-Riggs Civic Association
Brookland Civic Association
Neighbors, Incorporated
Kalamazoo Citizens Association
Dupont Citizens Association
South Manor Neighborhood Association
Save Takoma Park Committee
Businessmen Severely Affected by the 10-Year Action Plan (BASYPAP)

(OVER)

Student Committee on the Transportation Crisis

Arlington Coalition on Transportation (ACT)
Northern Virginia Conservation Council
Arlingtonians for the Preservation of the Potomac Palisades

Block 69 Committee of Takoma Park

and the individual affiliate civic and citizen associations of:

Benning Ridge, Bloomingdale, Brightwood, Capitol Hill Community Council, Capitol View, Central Northeast, Central Northwest, Civic Betterment, Cleveland Park, Dupont Park, East Central, Eastland Gardens, Edgewood, Foggy Bottom, Fort Dupont, Fort Stanton, Fort Totten, Friendship, Garfield-Douglas, Gateway, Hillside, Ivy City-Trinidad, Kingman Park, LeDroit Park, Marshall Heights, Mayfair-Parkside, Midway, Mt. Olivet Heights, Northeast Boundary, North Michigan Park, Northwest Boundary, Oldest Inhabitants, Pleasant Plains, Public Interest, Queens Chapel, River Terrace, Robt. T. Freeman Dental Society, Rock Creek, Southeast, Shepherd Park, Washington Heights, and Woodridge.
(Only the short time available prevents us from expanding the list.)

The above organizations collectively feel that the consultant report and material issued for this "gathering" is indeed a masterful job of printing. Beyond that, we will not comment on its content. We wonder why this report is necessary since both this Council and NCPC have already in 1969 and 1970 made known their opposition to "any more gateways into D.C."

The denial to the citizens of adequate and legally-ordered advance notice prevents us from giving any meaningful testimony today on any of the so-called alternatives or basic assumptions in the report.

It is our belief that these proceedings are not lawful. Therefore, as law-abiding citizens we feel that testifying will

break the law. We protest these unlawful "hearings" now being held by the City Council.

We further request postponement of these hearings to abide by the necessary advance-notice regulations and the Environmental Protection Laws. We are again preparing to utilize court action to force unwilling officials to abide by the law as we have twice victoriously done. And when properly called, the hearings must be held at night in the affected neighborhoods.

Congress has ordered the D.C. Government to "report to Congress not later than 12 months after the date of enactment of this sub-section their recommendations to such projects including any recommended alternative routes or plans." (Public Law 91-605, 91st Congress, H.R. 19504, Dec. 31, 1970.)

Gentlemen, they have asked for your recommendations. This does not mean you have to approve something thrown at you by the Highway Dept. Lawfully, the District Gov't. cannot make recommendations without holding the hearings required by due process.

We leave you with this thought. Jesus, whose birthday you are encroaching upon, tried to teach how the law of cause and effect could be applied when he said:

"Whatsoever a man soweth, that he shall reap."

We have been empowered to inform the Council that none of the above-mentioned organizations will be a part of these proceedings--and further, we ask that you withdraw from the witness list any spokesmen from these groups.

I now ask all citizens who believe in the laws of cause & effect and who disagree with these so-called hearings to boycott these proceedings and quietly leave the building.



SPECIAL REPORT

NATIONAL COMMITTEE FOR SUPPORT OF THE PUBLIC SCHOOLS • 1424 SIXTEENTH STREET, N.W., WASHINGTON, D.C. 20036

February, 1970

School Finance: A Matter of Equal Protection?

The question we raise is whether the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States compels a state to afford equal educational opportunity to all students attending the public schools within that state without regard to where they live or the wealth of their local community.

ARTHUR E. WISE

Striking differences exist in the amount of money expended per pupil for public education throughout the United States. Statewide averages of per pupil expenditure estimated for the academic year of 1969-70 range from a low of \$438 in Alabama to a high of \$1,251 in New York.¹ The differences between school districts within a state may be just as great. For example, high expenditure New York State has districts which spend less than \$500, and others which spend more than \$1,500. In 1967, per pupil expenditures in California ranged from \$274 to \$1,710, and in Michigan from \$394 to \$915. No state is without significant ranges in per pupil expenditure.² And, within one local district, Washington, D. C., differences of as much as \$100 in median per pupil expenditure were found to exist among elementary schools at the time of the *Hobson v. Hansen* decision (a case concerned with various types of inequalities of educational opportunity in the District of Columbia public schools). Although school by school expenditure data are scarce, one assumes that such intradistrict disparities are not uncommon.

Public policy which allows the quality of education available to a child to be determined by where he lives is under sharp attack. Critics suggest that school finance systems which foster such inequities may be unconstitutional. They claim that fiscal disparities, insofar as they exist within a state, may violate the equal protection clause of the Fourteenth Amendment. In the past two years citizens in a handful of districts have initiated lawsuits (see pages 4-5) which, if finally successful, would significantly change state school finance arrangements.

What factors in the current finance system encourage the inequities? What do the inequities mean in terms of delivery of school services? What legal issues are involved and what alternative finance systems have been proposed

to meet the constitutional test? These questions are explored in this Special Report.

THE ELEMENTS OF THE INEQUITIES

The bulk of public school revenue is provided through some combination of local and state funds. The mixture varies from state to state—87 percent of New Hampshire school funds comes from local governments; conversely in Delaware the state provides 72 percent of school revenue. Nationally, the local share is 53 cents and the state share is 41 cents of the educational dollar. The remaining 6 cents comes from the federal government.

Local Ability

Local revenue is raised almost entirely from property tax levies. The difficulty is that the wealth of school districts bears no relationship to their educational needs. The cities provide an especially acute illustration. Declining or stagnant property values, a large percentage of low-income families, and the flight of commerce, industry and middle-income residents diminish resources at the same time the number of school children in need of enriched educational programs increases.

Of course, the cities are not alone in facing diminishing resources and increasing demands. Bedroom communities where taxable wealth consists almost exclusively of low to middle value residential properties are finding this an inadequate base to support the many school-age children of young families attracted to these communities. Rural areas with consolidated and mechanized farm holdings, many of which are financed from outside the area and hence produce an outflow of cash, face reduced job and income

opportunities and lagging property tax roll values, while frequently having to support small, uneconomical school units.

Two types of communities appear in sharp contrast to the cities, bedroom communities, and depressed rural areas. Prestigious suburbs enjoying prosperous shopping centers, high-priced residential homes, and residents with above-average incomes generate resources to purchase superior school services with relative ease. Industrial and commercial enclaves with high value property and little, if any, residential property have resources in marked excess of any needs for family and community services.³

What this means in terms of disparities among localities in dollar ability to support public education is illustrated in several states.

In Illinois equalized assessed valuation of taxable property per pupil ranges from \$114,000 to \$3,000, in Michigan from \$53,156 in River Rouge to \$1,319 in Forsyth, in California from \$306,077 in Big Creek to \$3,698 in Olinda.⁴ Further, in Massachusetts, equalized value per pupil ranges from a low of \$5,000 to a high of \$335,938; Indiana counties provide adjusted assessed value per pupil ranging from \$3,949 to \$15,801.⁵ The obvious lack of correspondence between local ability and local need is not only commonplace, but results in extreme interdistrict disparities in many instances.

State Assistance

State aid programs have been characterized as serving many purposes. Foremost among these purposes are:

1. Stimulating the level of local spending for education so that the quality and quantity of school services are improved to the point of obtaining desired social benefits which are more easily recognizable by the society at large than by local units. In pursuing this purpose it is felt that the state should distribute more dollars per pupil to poor districts than to rich districts.

2. Reducing interdistrict differentials in tax rates to provide a greater degree of equity among the households of a state. For instance, one objective of equity is to assure that a given tax rate (price) buys a given quality of service—a high tax rate to provide high quality services and, conversely a low tax rate to provide low quality. Again, this purpose also indicates a flow of more dollars to poor than to rich districts.

3. Exercising some measure of control over the operations of the local unit so that the state may influence the

degree of efficiency, the process of education, or the attention given to particular clients.⁶

State support systems, while varying widely in specifics, distribute funds to local districts in one of four ways—general purpose flat grant, general purpose equalization grant, special purpose flat grant, and special purpose equalization grant. General purpose grants are usually for current operating expenses and special purpose grants are designated for such items as salaries, transportation, textbooks, vocational education, etc. Flat grants are a fixed amount per pupil, per teacher, per classroom unit, or per school district. Equalization grants are a variable amount depending on the relative ability of the local district to support schools.

Our concern is how these various grants tend to distribute funds between poor districts and wealthy districts and thereby equalize disparities in local ability.

A general purpose equalization grant, often referred to as the minimum foundation program, may constitute (although this often is not the case) the largest distribution of state school funds. Basically the grant is a state guarantee of a specified amount per pupil to a district which will tax itself at some minimum level, and state funds are distributed in inverse proportion to a district's fiscal capacity. Virtually every state imposes a dollar ceiling as well as provides a floor to the amount of per pupil expenditure that the state will help support. The ceiling is inadequate in most states as expenditures in even modestly wealthy districts customarily exceed it.

The oldest and simplest type of state support is the general purpose flat grant. When given on a per pupil basis this grant recognizes need in terms of the number of pupils a district must educate but since it is given to both wealthy and poor districts it has no equalizing effect. If a flat grant is awarded on other than a per pupil basis, say on a per teacher employed basis, it will favor the wealthy district which can attract more qualified teachers.

Special purpose grants very frequently require local spending in advance of state reimbursement, a minimum local spending level, or matching funds, and thereby tend to favor wealthy districts having the resources to make the initial expenditures. Generally the greater the number of special purpose grants, the greater the benefit to wealthy districts.⁷

The net affect is that state grant-in-aids do little to equalize disparities in local wealth.

A short illustration of the funding potential of three representative districts pinpoints the failure of the current system to meet the problem of equalization. Assume that a state assures each district \$550 per pupil if it taxes itself at the qualifying rate of 1 percent. Wealthy District A has an assessed valuation per pupil of \$100,000; District B, \$30,000 and District C, \$5,000. Further assume that each places an equal value on education and levies the qualifying rate of 1 percent.

	<i>Tax base per pupil</i>	<i>Tax Rate</i>	<i>Local funds per pupil</i>	<i>State equalization funds</i>	<i>Total Funds per pupil</i>
District A.....	\$100,000	1%	\$1,000	\$ 0	\$1,000
District B.....	30,000	1%	300	250	550
District C.....	5,000	1%	50	500	550

By utilizing the above table the effect that increased local effort would have on the amount of available funds per pupil can also be seen. District B by raising its tax effort to 2 percent, a not uncommon tax rate, would raise local funds in excess of state guarantee to allow expenditures of \$850 per pupil, and at 3 percent could exceed the expenditure level of wealthy District A. The 11 percent tax effort required of District C to match the guaranteed level and thus raise its total funds to that of District A is just not reasonable, aside from the fact that most statutes would not permit it.

DOES MONEY MAKE A DIFFERENCE?

Common sense assumes a positive relation between cost and quality, but what school services are affected by low expenditures and what is the impact on children in poor districts? A recent study, *Schools and Inequality*,⁸ conducted under the sponsorship of the Urban Coalition sheds light on these questions. The study is confined to one state, Michigan, but the demographic, economic and educational factors are not atypical of developing industrial states. While "no analysis of education in one state can serve as a basis for generalizing to conditions in each of the remaining 49 states," we agree with the authors' contention that "what we find to be true in Michigan will also be true to a substantial degree in a majority of the states."

Two of the propositions formulated to guide the research and verified by the findings are of special interest. (See page 6 for a fuller listing of the more significant findings.)

Proposition A. The quality of school services provided to a pupil is related to his socioeconomic status, and that relationship is such that lower quality school services are associated with a pupil's being from a lower socioeconomic status household.

This proposition was tested on three levels—inter-district, interschool and interstudent. The whole range of school services—administrative, curricular and instructional options, staff, equipment and facilities, and student environment—were found to be lower in quality and quantity for children from poor homes than for children from wealthy homes. This allocation of school services holds true for entire school districts which contain a clustering of poor families, for individual schools which enroll large numbers of poor children, and for individual students from poor families regardless of where they attend school.

Proposition B. A relationship exists between the quality of school services provided to a pupil and his academic achievement, and that relationship is such that higher quality school services are associated with higher levels of achievement.

A number of school service components were identified as capable of influencing student achievement. Among them were newer and less crowded facilities, more library volumes, teachers with greater verbal ability, teachers who are satisfied with teaching as a career. All have a positive association with higher student achievement.

This research shows, not unsurprisingly, that the quality and quantity of a variety of school service components make a difference in students performance, and adequate provision of these services is denied children from low socioeconomic status backgrounds—students who have the greatest need for the highest calibre education.

THE APPEAL TO THE COURTS

As the economic noose tightens around poor school districts it is little wonder that school boards, parents, students, educators, and scholars alike despair for a meaningful state legislative response. For years state legislatures, after all, have grappled unsuccessfully (or more likely declined to grapple) with the problem of adequate funds and equalization. An appeal to the courts for assistance seems well justified and perhaps even overdue.

It is generally conceded that education is a state responsibility. Indeed, states have assumed the responsibility and have constitutional provisions relating to the establishment of a system of public education. Local school districts are a subdivision of the state and merely act as agents to which the state has delegated some of its power.

While several alternative formulations have been put forward,⁹ the constitutional argument revolves around state classification of persons. The Fourteenth Amendment, which is concerned with state action as it affects individuals, in part says that no state shall "deny to any person within its jurisdiction the equal protection of the laws." Courts have not construed the "equal protection" clause as requiring identical treatment for all. Courts have construed the clause as requiring a "reasonable" classification for any state action or system which treats individuals differently—"reasonable" to the extent that there is a rational connection between a legitimate legislative purpose and the means of classification. Classification can be on the basis of almost any attribute. For example, some common classifications have been:

sex—women may work only eight hours every day while no statutory limitation is placed on the number of hours a man may work.

geography—a person may legally operate a gambling casino in one county of a state while it is illegal for a person to operate a gambling casino in another part of the state.

age—a person must be 21 years of age to vote.

Historically the Supreme Court has been loath to overturn state statutory classifications even though the basis may not be the most rational nor the wisest alternative, preferring to defer to legislative expertise. In recent years, however, legislative classification in certain areas is no longer always given the benefit of the doubt by the Court and must face the test of a "compelling state interest." Voting rights and criminal justice as it affects indigent defendants are two such areas. And, at least one ground for classification for a particular purpose is no longer constitutionally permissible—classification by race for the purpose of segregation. The holdings of the Court in these important areas—voting rights, criminal justice, and race—suggest the rationale for the proposition that state finance systems which deny equality of educational opportunity to children in poor districts may be a denial of equal protection.

The complexity of the argument, and the difficulty of convincing the courts of its merits cannot be overstated. The only case to reach the Supreme Court arose in Chicago. In this case, *McInnis v. Ogilvie*, a three-judge federal district court dismissed the complaint for failure to state a cause of action. Plaintiffs had asked that Illinois legislation which provided for and permitted the distribution of monies "not based upon the educational needs of children" and resulting in unequal per pupil expenditures "be declared unconstitutional" and "a permanent injunction be granted." In its dismissal the federal district court was not unmindful of the inequities and recognized that there were "wide variations in the amount of money available for Illinois school districts both on a per pupil basis and in absolute terms," and that "presumably students receiving a \$1,000 education were better educated than those acquiring a \$600 schooling." Nevertheless, it found the Illinois statutes neither discriminatory nor arbitrary and further stated that it could discern no "judicially manageable standards" upon which to grant relief. On appeal from the district court's dismissal of the suit, the U.S. Supreme Court summarily affirmed the district court without oral argument or formal opinion.

Feeling that the Supreme Court may have desired only to avoid the issue as it was presented in this particular case, the protagonists view the *McInnis* decision as merely a temporary setback. It nonetheless has placed prospective litigants on notice that complex concepts such as "educa-

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COURT SUITS CHALLENGING STATE SCHOOL FINANCE SYSTEMS: DOES THE CONSTITUTIONAL GUARANTEE OF EQUAL PROTECTION BAR SUBSTANTIAL DISPARITY IN PER PUPIL EXPENDITURE?

Case	Plaintiffs	Defendants	Claim	Remedy	Status
California, Los Angeles <i>Serrano, Jr., et al. v. Priesti et al.</i>	School children and parents from a number of Los Angeles County school districts.	Treasurer, Tax Collector, and Superintendent of Public Schools in the County of Los Angeles; the Treasurer, Controller, and Superintendent of Public Instruction of the State of California.	Plaintiffs claim that California's system of education finance violates the Equal Protection clause of State and Federal Constitutions. Plaintiffs allege that the finance system results in wide disparities between school districts in amounts of money available for per pupil expenditures, with consequent disparities in the quality and extent of educational opportunities, which are not justified in terms of varying educational needs. The plaintiffs allege that there is no reasonable relation between any educational objective or need, and use of school districts as units for differential allocations of educational funds or the part of the state finance scheme which permits each school district to retain and spend within that district all property tax collected there. Plaintiffs allege that as a result of the education financing scheme, they are required to pay a higher tax rate than taxpayers in many other districts in order to receive for their children the same or lesser educational opportunities.	Plaintiffs ask that defendants be ordered to reallocate the funds available for financial support of the school system, including funds from property taxes, and to restructure the finance scheme so as to provide equal educational opportunities for all children in the state and, if defendants and the legislature fail to act, that the court regulate collection of property taxes and apportion school funds in satisfaction of the obligation of the state constitution to maintain a system of free public schools and the equal protection clauses.	The case was dismissed in the lower State Court of California without any other opinion than a citation to <i>McInnis v. Ogilvie</i> . The case has been appealed to the intermediate State Court.
California, San Francisco <i>Silva v. Atascadero Unified School District.</i>	Students and parents.	State of California.	Plaintiffs allege that education is made dependent upon the wealth of their parents and neighbors, through use of local property taxes measured by the tax base of the school district in which they reside, when "there is no relation between education objectives or need and the use of school districts as units for differential allocations of educational funds."	Plaintiffs ask that defendants be ordered to reallocate the funds available for financial support of the school system, including funds from property taxes, and to restructure the finance scheme so as not to violate equal protection clauses of federal and state constitutions, and if defendants and the legislature fail to act, that the court regulate collection of property taxes.	Filed in the lower State Court in California.
Illinois, Chicago <i>McInnis et al. v. Shapiro et al.</i> (subsequently <i>McInnis et al. v. Ogilvie et al.</i>)	High school and elementary school students attending school within four school districts of Cook County, Ill. and a corporate plaintiff, the Concerned Parents and People of the West Side.	Governor of the state, Superintendent of Public Instruction, the Treasurer, and the Auditor of Illinois.	Plaintiffs charge that the state acted unconstitutionally in creating an education finance system which results in plaintiffs' school districts receiving per pupil expenditures "far below" those provided other districts. The plaintiffs further allege that as a direct result of the method of financing public education, there exist material disparities in the quality of educational programs, facilities, and services, and in the level of educational attainment achieved, in the different school districts.	Plaintiffs ask that various Illinois legislation which provides for and permits the distribution of monies "not based upon the educational needs of children" and resulting in unequal per pupil expenditures "be declared unconstitutional" and "a permanent injunction be granted."	A three-judge Federal district court dismissed the complaint for failure to state a cause of action and for non-justiciability. The U.S. Supreme Court summarily affirmed the district court opinion without oral argument.
Michigan, Detroit <i>The Board of Education of The School District of the City of Detroit et al. v. The State of Michigan and Allison Green, its Treasurer.</i>	Detroit School Board, students and their parents.	State of Michigan and its Treasurer.	Plaintiffs allege that the finance system fails to allow the school districts in which they reside educational resources and educational opportunities substantially equal to those provided in many other school districts. Plaintiffs allege that the system is deficient in failing to relate to the district variations in educational needs, quality of existing educational facilities, and levels of educational costs and expenses (i.e., for school construction and salaries).	Plaintiffs ask that execution of the "State Aid Act" be enjoined, and that state funds be reapportioned so as to provide substantially equal education opportunities for all children in the state.	Pending in State Court.
Texas, San Antonio <i>Rodriguez et al. v. San Antonio Independent School District et al.</i>	Certain students in public and private schools in Edgewood Independent School District situated within the city limits of San Antonio and their parents. (95% of the children in Edgewood District are of Mexican descent.)	State Board of Education and State Commissioner of Education.	Plaintiffs contend that the system of independent school districts, whereby each districts' educational resources are to a large degree dependent upon money which can be raised locally, resulting in smaller amounts of money being spent on students in plaintiffs' district, as compared with other state school districts, deprives them of equal protection of the laws. The equal protection claim is based on a state constitutional requirement that the state provide a public free school system. Plaintiffs also contend that racial discrimination against Mexican Americans, of which there is a pattern in the southwest United States, is increased (and willfully) by the tax and financing system of Defendant School Districts, and the laws providing for such a scheme are therefore unconstitutional.	Plaintiffs ask the court to declare that the taxing and financing system is void. Plaintiffs ask that the defendants be ordered to reallocate the funds available for financial support of the school system and otherwise to restructure the financial system in such a manner as not to violate equal protection so that equal public school educational opportunities are provided for the students in plaintiffs' district. If defendants and the legislature fail to act as above, plaintiffs ask that the court perform those acts.	Filed in United States District Court, Western District of Texas, San Antonio Division.
Virginia, Bath County <i>Burrus et al. v. Wilkerson et al.</i>	Students in public schools of Bath County; taxpayers in Bath County.	Public school and finance officials of the State of Virginia; Clerk of the House of Delegates of Virginia.	Plaintiffs are denied equal protection of the law by state laws creating substantial disparities in quality of, and facilities for, education provided in Bath County as compared to other areas of the state. Students and taxpayers of Bath County, where 46% of the residents earn less than \$3,000 a year, request an end to educational discrimination related to their poverty. They allege that the education finance system discriminates against them by preventing them from the raising of local tax revenues adequate to provide minimal educational opportunity even while their tax rates are set at the legal ceiling. In addition, they allege discrimination in that the state's educational aid supplements are related to the locality's education spending from local tax sources, a factor actually <i>increasing</i> total education resource disparities between school districts. Plaintiffs further allege that the system fails to take into account the added costs necessary to provide substantially equal educational opportunities—buildings, equipment, teachers, books, curriculum—in their rural areas. They state that the Virginia legislature has not made positive attempts to deal with expenditure disparities within the state.	Plaintiffs ask the Court to declare the state formulae for apportionment of education monies unconstitutional and to retain jurisdiction of the action in order to give the legislature a reasonable time to reapportion funds in such a way as to meet equal protection requirements and to direct reapportioning if the legislature fails to act.	Plaintiffs have appealed to the U.S. Supreme Court. A three-judge federal court in the Western District of Virginia dismissed the case, citing the <i>McInnis v. Ogilvie</i> decision.
Wisconsin, Racine. <i>Bellow et al. v. the State of Wisconsin et al.</i>	Students in public schools and their parents.	State of Wisconsin, its Treasurer, and the Superintendent of Public Instruction.	Plaintiffs allege that as a result of the delegation of the power to tax to various state subdivisions created without uniformity of tax base, and the manner of appropriation to the various divisions of sums of money in the state school fund, substantial disparities exist in the quality and extent of public education available in the several school districts of the state. They also allege that state aid fails to compensate to any extent for substantial differences in needs of the school districts, for the varying conditions of school facilities, or for the varying costs of those districts, particularly the extreme expense of providing educational opportunities to those children who live in the extremely disadvantaged urban areas.	Plaintiffs ask that the legislature be given reasonable time to reapportion school districts and that the court make appropriate apportionment of state funds if the legislature fails to act.	Filed in State Court (Dane County Circuit Court).

Information provided by The Lawyers' Committee for Civil Rights Under Law, Washington, D. C.

Additional information can be obtained by writing to:

The Lawyers' Committee for Civil Rights Under Law, 1660 L Street, N.W., Room 1001, Washington, D. C. 20036

Schools and Inequality

DEMOGRAPHIC, ECONOMIC, AND EDUCATIONAL FACTORS

Demographic—Michigan has several major population centers consisting of core cities with surrounding suburbs. A significant minority of its citizens still live in rural areas with low population densities.

Economic—There is a mixture of heavy manufacturing, the nucleus of new space age industries, substantial agricultural production, and significant extractive and recreational enterprises.

Educational—School districts range in size from "Lilliput-like little red school houses to the colossus-sized school district of the City of Detroit with some 300,000 pupils in over 300 schools." And, as in every state, there is a significant range in per pupil expenditure from a high of over \$1,000 to a low of slightly more than \$400.

DATA AND TERMINOLOGY

Data collected for *School Finance and Educational Opportunity in Michigan* (Thomas Report), an official statewide educational survey conducted for the Michigan legislature, and data for the *Equality of Educational Opportunity* survey (Coleman Report) served as the basic information for the Urban Coalition Study. The particulars of the analytical design are beyond the scope of this report; however, a brief explanation of the variables will assist the reader during the discussion of the findings.

Socioeconomic Status (SES)—Using such indicators as income, occupation, housing, and level of education; each district, individual schools, and individual students in the sample were rated and assigned a socioeconomic status score. The scores for each group—district, school and student—were ranked respectively to provide a low to high spectrum.

School Services—This broad category is classified into five groups of services: (1) Administrative Services, (2) Equipment and Facilities, (3) Curricular and Instructional Arrangements, (4) Staff Characteristics, and (5) Student Environment.

Pupil Performance—This is measured by students' scores on standardized tests in three cognitive areas: verbal ability, reading achievement, and mathematics achievement.

SOME MAJOR FINDINGS OF THE MICHIGAN STUDY

Proposition A. The quality of school services provided to a pupil is related to his socioeconomic status, and that relationship is such that lower quality school services are associated with a pupil's being from a lower socioeconomic status household.

One of the most significant findings of this study is the positive relationship between SES and the provision of school services for entire school districts.

Interdistrict

Important differences exist among the districts in the **curricular** and **instructional** options available to students. High SES districts are more likely to have adopted one of the new science programs such as the Biological Science Curriculum Study. The lowest SES districts, in most cases, have adopted none. Low SES districts provide fewer instructional innovations. In the lowest SES districts an average of 14 percent of the high school students are enrolled in foreign language courses while in the highest SES districts 44 percent are enrolled. Lower SES districts offer fewer services to children in need of speech correction, to the blind, deaf, crippled, or to the mentally retarded. They also provide fewer services to children who are gifted verbally, quantitatively, or artistically.

While the measures of **staff characteristics** are only indirect indicators, they suggest significant differences in staff quality between high and low SES districts. It was found that high SES districts provide more days of released time to teachers for inservice activities and have higher proportionate budgets for teacher inservice training. Superintendents of high SES districts have more years of formal schooling than do superintendents of low SES districts. Staff allocation patterns can indicate a district's ability to support staff specialization—a characteristic associated with high performance. School principals in low SES districts, at all grade levels, are more likely to be teacher-principals than in high SES districts. Teachers in low SES districts teach more hours, and make more separate subject matter preparations per day.

Interschool and Interdistrict

Here it was possible to measure, more precisely, **facilities**, the extremely important **staff characteristics**, and **student environment**. Low SES schools tend to be housed in older buildings and they are more crowded. Teachers in low SES schools would be less likely to repeat teaching as a career if they had a chance to choose again; they would be more likely to choose another school if given

the chance. Teachers of poor children appear to have less verbal ability than the teachers of more affluent children. Teachers in low SES schools have low estimates of the academic abilities of their students and frequently pictured their students as not being interested in learning. More students transfer in and out of low SES schools than of high SES schools. In low SES schools teachers report a high degree of conflict among students and complain about having to spend too much time on discipline and losing too much time because of class-time interruptions. All in all, "This environment does not seem to support close emotional and intellectual relationships between and among a community of scholars and their eager charges."

Proposition B. A relationship exists between the quality of school services provided to a pupil and his academic achievement, and that relationship is such that higher quality school services are associated with higher levels of achievement.

Seventeen major studies which controlled out-of-school factors were reviewed. These studies have identified several school service components as having an influence on academic performance of pupils. From this review, 13 school service components were selected and tested against pupil performance in Michigan. This assessment reinforced the results of the prior studies. It shows that the quality and quantity of services make a difference in what children learn and that inadequate services lead to lower levels of academic achievement. The findings are as follows:

Inadequate physical **facilities**, such as older schools and fewer classrooms, correspond to lower levels of academic achievement. Two measures of **instructional materials**, the number of library volumes per 1,000 students and adequate numbers of textbooks, are both linked with higher student performance. Teacher verbal ability, an attribute reflective of a large constellation of a **teacher's capabilities**, has a positive correlation with pupil achievement. The pupils of teachers who would choose teaching again as a career and who would choose the same school had significantly higher academic achievement than those who had dissatisfied teachers. Where school staff was viewed as working well together, students achieved well. Conversely, where staff was seen not to work well together, student achievement declined. In terms of **student environment**, high rates of student turnover and larger numbers of students attending a school are associated with low student achievement.

tional needs" and "equal educational opportunity" must be more clearly defined and that other "manageable standards" may have to be formulated on which to base future lawsuits.

A LOOK AT POSSIBLE OUTCOMES

If the current school finance systems were declared unconstitutional, some broad standard around which to develop new distribution systems would have to be promulgated. The dialogue surrounding the constitutional arguments has led to development of some alternate standards which might be applied. Two of the current proposals are outlined very briefly below:

Arthur Wise¹⁰ has posited this: "The basic rule would require that there be an approximately equal per pupil expenditure throughout the state." Application of the rule would require the maximum discrepancy in per pupil expenditures not to exceed a specified ratio, say of two to one or one-and-one-half to one. He assumes that a mechanism to provide "additional resources to school districts with high concentrations of students with low academic achievement" could also be allowed. He suggests that any of three plans to distribute educational funds equitably could be used to meet the standard. One plan would be for the state to assume responsibility for all education funding. (This plan has also been proposed by, among others, James Allen, James Conant, the Advisory Commission on Intergovernmental Relations and Michigan Governor William G. Milliken.) A second plan would be to equalize the tax bases of local school districts by redrawing district lines. A third would involve manipulation of the equalization formulas.

Coons, Clune and Sugarman¹¹ have stated this proposition: "The quality of public education may not be a function of wealth other than the wealth of the state as a whole." They have also suggested two distribution systems which they characterize as "District Power Equalizing" and "Family Power Equalizing." The essence of these two systems is that effort alone becomes the measure of the permissible per pupil expenditure.

For example, under "District Power Equalizing" a district would be permitted to spend only a per pupil amount fixed by law based on the tax rate it chooses to levy—irrespective of the actual amount of local collections. The legislature, for instance, might develop a scale which specifies the local tax rate and a corresponding permissible per

pupil expenditure. A minimum of 10 mills would set the expenditure at \$500, a maximum of 30 mills would set the expenditure at \$1,500. The legislature might also require statewide redistribution of excess local collections from rich districts to assist the state in supporting poor districts with insufficient funds. This system would not guarantee equal dollars per pupil but would guarantee that the same tax effort would result in the same per pupil expenditure.

"Family Power Equalizing" is the application of the same principle to the family. For each level of effort made by the family against its income per child a specific level of spending would be permitted the family. The allowance could be given in some form of scrip with which to purchase education. If desired, both public and private schools might participate in a system which would match schools with the spending level permitted to the family.

Even if the present lawsuits are unsuccessful in having the established finance systems declared unconstitutional, they are not without significance. The lawsuits dramatically illustrate the inadequacies of the current systems to state policy makers and the general public. They pinpoint the need for precisely defining educational concepts and goals. The issue has surfaced proposals of more equitable distribution arrangements and alternative standards by which to measure school finance systems. Additional proposals undoubtedly will be forthcoming. It must be noted that the courts exercise considerable restraint in granting judicial review of new constitutional questions. Several rounds of litigation may ensue. But, the court's own statement about the importance of education would seem to indicate that inequitable distribution of educational resources may ultimately result in successful judicial action:

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."¹²

REFERENCES

1. National Education Association, Research Division. *Estimates of School Statistics, 1969-70*. Washington: The Association, 1970.
2. U.S. Department of Health, Education, and Welfare. *Profiles in School Support: A Decennial Overview*. Washington: Government Printing Office, 1965.
3. L. L. Ecker-Racz and Eugene McLoone. "The State Role in Financing Public Schools." *State School Finance Laws Handbook*. Evanston: National School Boards Association, 1968.
4. *Amicus Brief filed in McInnis v. Ogilvie* by The Urban Coalition, National Education Association of the United States, The Research Council of the Great Cities Program for School Improvement, The Lawyers' Committee for Civil Rights Under Law.
5. Advisory Commission on Intergovernmental Relations. *State Aid to Local Government*. Washington: The Commission, 1969.
6. Charles S. Benson. *The Economics of Public Education*, 2nd Edition. Boston: Houghton Mifflin Company, 1968.
7. Eugene McLoone. "An Approach to School Finance Laws." *State School Finance Laws Handbook*. Evanston: National School Boards Association, 1968.
8. James W. Guthrie, George B. Kleindorfer, Henry M. Levin and Robert T. Stout. *Schools and Inequality*. The Urban Coalition. Washington, D. C. 1969.
9. Arthur E. Wise. *Rich Schools, Poor Schools: The Promise of Equal Educational Opportunity*. Chicago: University of Chicago Press, 1969; John E. Coons, William H. Clune, III, and Stephen D. Sugarman. "Educational Opportunity: A Workable Constitutional Test for State Financial Structures," *California Law Review*, April, 1969; Harold W. Horowitz and Diana L. Neitring. "Equal Protection Aspects of Inequalities in Public Education and Public Assistance Programs from Place to Place within a State," *UCLA Law Review*, April, 1968; David L. Kirp, "The Constitutional Dimensions of Equal Educational Opportunity," *Harvard Educational Review*, Fall, 1968.
10. Arthur E. Wise. "The Constitutional Challenge to Inequities in School Finance," *Phi Delta Kappan*. Vol. LI, No. 3, November, 1969.
11. "Educational Opportunity: A Workable Constitutional Test for State Financial Structures." *Supra*.
12. *Brown v. Board of Education*, 347 U.S. 483, 493, 1954.

Other Reading

Harvard Educational Review Editorial Board, *Equal Educational Opportunity*. Cambridge: Harvard University Press, 1969.

The University of Chicago Center for Policy Study. *The Quality of Inequality: Urban and Suburban Public Schools*. Chicago: The University of Chicago Press, 1968.

James A. Bensfield. "School Financing and The Fourteenth Amendment," *Inequality in Education*. No. 1: October, 1969. Cambridge: Harvard Center for Law and Education.

J. Alan Thomas. *School Finance and Educational Opportunity in Michigan*. Lansing, Michigan: Michigan Department of Education, 1968.

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